



Parashat Vayekel-Pekudei 5769

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## Tearing One's Garment upon seeing the Temple Mount After the Six-Day War

The Halachah rules that one must tear his garment when seeing the spot of the Temple in ruins (Moed Katan 26a and Shulchan Aruch Orach Chaim #561). Rav Yosef Karo, in the Beit Yosef, in discussing the obligation to rip one's garment upon seeing the cities of Yehudah and Jerusalem in ruins, explained that we hold that "in ruins" means "under non-Jewish control." The Magen Avraham (#1) and Mishnah Berurah (#2) accepted this view. This means that even if there is a Jewish settlement in the Land of Israel but it is under non-Jewish control, it is still considered in ruins, and one must tear his garment upon seeing it. Our Rabbi, Rav Tzvi Yehudah Ha-Cohain Kook, explained that the same applies for seeing the spot of the Temple in ruins, and just as "in ruins" means "under non-Jewish control" for the cities of Yehudah and Jerusalem, so too does "in ruins" mean "under non-Jewish control" for the Temple Mount. Therefore after the famous call of "Har Ha-Bayit Be-Yadenu - the Temple Mount is in our hands" during the Six-Day War, he ruled that there is no longer an obligation to tear one's garment when seeing the Temple Mount, even though the Temple is still destroyed. Our Rabbi explained that it is possible to claim that since there is no Temple, one must tear their garment. One must understand, however, why we are prevented from fulfilling the Divine Commandment of "Make for me a Temple" (Shemot 25:8). The Temple Mount is in our hands and our inability to build the Temple is not due to "exile." We are in control, but are prevented from building the Temple due to halachic and political reasons. These are our reasons, not those of the non-Jews (Sichot Ha-Rav Tzvi Yehudah – Yom Ha-Atzmaut and Yom Yerushalayim, talk for Yom Yerushalayim p. 90 and Tal Chermon - Moadim, p. 218). Our Rabbi also wrote that we should also be concerned about ripping our garments when not obligated and violating "Bal Tashchit" (wanton destruction of items) when the whole prohibition for tearing when seeing the Temple in a destroyed state is a Rabbinic prohibition.

In the book, "Mekor Chaim" (2:95 #1), Ha-Rav Chaim David Halevy – former Chief Rabbi of Tel Aviv-Yafo for 25 years – wrote that he agrees with our Rabbi's opinion. He explained that when a close relative dies, we tear our garments when the "dead is before us." After the

mourning, we observe an annual Yahrtzeit. Similarly, when our "dead was before us" – the Temple Mount was under non-Jewish control – we had the obligation to tear our garments. Now that we have control, the dead is no longer before us, and we observe an annual Yahrtzeit: Tisha Be-Av. Despite Ha-Rav Halevy's agreement, he concluded that in order to exempt us from this obligation, the Chief Rabbinate of Israel must make this decision.

Rav Aviner's book "Rabbenu" - On the Life of Ha-Rav Tzvi Yehudah (p. 211) - relates how our Rabbi, Ha-Rav Tzvi Yehudah, acted on the day when the Temple Mount was liberated: "On the day of the liberation of Jerusalem, our Rabbi and "The Nazir," Rav David Cohain, were together at the Kotel, and the next day our Rabbi went to him to bring him his book "Le-Netivot Yisrael" volume 1 which was published on that very 28th of Iyar 5727. Our Rabbi said that while standing facing the Kotel, he did not tear his garment upon his seeing the place of the Temple since "it is only considered in a destroyed state when the non-Jews rule over it" (Shulchan Aruch, Orach Chaim 561 and Mishnah Berurah #2), and this fundamental principle which was stated regarding the cities of Yehudah also applies to the spot of the Temple. "The Nazir" responded in agreement and added: "Is it not also true that his honor saw that our Master the Rav was there in his Shabbat clothing and he did not tear" (He saw a vision of Maran Rav Kook). All were astounded and all eyes turned to our Rabbi, he also nodded his head approvingly: "Yes, certainly."

In the book "Penini Halachah" (end of vol. 1 in the second edition), Ha-Rav Eliezer Melamed – Rav of Har Berachah – writes that our Rabbi, Ha-Rav Tzvi Yehudah, would agree today that one should tear his garment upon seeing the spot of the Temple, after the horrible desecration of Hashem's Name which have occurred there. I asked Ha-Rav Aviner his opinion regarding our Rabbi's opinion today and he responded: "Baruch Hashem, the Temple Mount is still in our hands, and with Hashem's help it will remain so," i.e. our Rabbi's ruling still stands that we are exempt from tearing our garments upon seeing the spot of the Temple.



Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Q: Should one recite the "Shehechyanu" on buying a pistol?

A: Yes, it is for protection.

Q: If someone hears a blessing on the radio, should he respond amen?

A: A rebroadcast – no, a live broadcast – it is permissible but not obligatory.

Q: Is it permissible to carry a gun on Shabbat?

A: Yes, there is sometimes a need for it and it is also preventative.

Q: Even when I overcome sinning, the desire still remains. How can I change the desire?

A: Read Mesillat Yesharim a lot.

Q: Is it permissible to read parashah sheets in shul?

A: It is preferable to take them home.

Q: If someone planted vegetables during the Shemita year, which is forbidden, and they are picked after the Shemita year, when are they permissible?

A: They are forbidden.

Q: Is it permissible for a man to wear a wedding ring?

A: Yes. He remembers his love of his wife.

Q: The bank mistakenly put money in my account. Must I report it?

A: Yes, it is returning a lost item.

Q: Is it permissible to pray for a certain soccer team to win if their loss will really upset me?

A: We do not pray for nonsense.

Q: If I ask a certain Rabbi questions about daily life, do I have to listen to his ruling on whom to vote for?

A: No. It all depends on what a person takes upon himself.

Q: Is it permissible to take a computer which contains holy texts into the bathroom?

A: It is permissible. If the text currently appears on the scene, it must have a double covering.

Q: Is it permissible for a couple to be married if the groom has the same name as the bride's father?

A: It is permissible. Some are strict to add a name.

Q: If I see an immodest picture on the street, am I obligated to pick it up so others will not see it?

A: It is commendable.

Q: Is it permissible to give "ma'aser" money to an organization which helps us?

A: It is simpler to accept less help.

Q: Is it true that King Shlomo invented Chess?

A: This is only a story. See the book "Otzar Yisrael" of Rav Eizenstein. Entry on chess.

Q: Can I daven the "Shemoneh Esrei" out loud if it helps my prayers?

A: It is permissible if you are alone. In public – you must daven quietly so that others will not hear.

Q: Is it permissible to buy holy books from someone if they are less expensive but he does not pay taxes?

A: It is certainly forbidden if it is against the law, and all the more so for holy books.

Q: Is it permissible to make wedding plans during Sefirat Ha-Omer?

A: It is permissible.

Q: Is there a proper amount of time between the engagement and wedding?

A: I am not familiar with such discussions on this issue, but it is proper to minimize the time as much as possible.

Q: My husband and I have been married three years. His father never accepted the marriage and he totally disappeared from our lives for a year. My husband tries to honor him, but it is difficult. We are expecting a baby boy and we are sure that my father-in-law will expect and demand to be the sandek at the Brit Milah. How does the sandek influence the personality of the child? Will my husband transgress the obligation to honor him if he does not choose him, since as a result my father-in-law will not speak to us for years?

A: It is permissible to let him be the sandek. It will not influence the child and it is a mitzvah towards his father. Don't worry.

## Stories of Rabbenu — Our Rabbi, Ha-Rav Tzvi Yehudah Ha-Cohain Kook

### Pidyon Ha-Ben (Redeeming a First-born Son)

Our Rabbi always accepted an invitation to attend a Pidyon Ha-Nen since it is a mitzvah for a cochain to redeem a first-born [and our Rabbi was a cochain] (Gadol Shimusha p. 95 #26).

We heard many times from the mouth of our Rabbi that the money he received as a cochain during the Pidyon Ha-Ben was the most kosher money for him, because it is a Torah requirement. And in two of his letters, from the year 5697, our Rabbi wrote that he used this money to fix the binding of books. And it says in the book "Shivchei Ha-Re'iyah" (p.288) that Maran Ha-Rav Kook would buy books with the money he received at the Pidyon Ha-Ben.

When he was asked to receive the money of the Pidyon Ha-Ben, our Rabbi said: "This is finally an opportunity to make a little money." And after the surprise over his words, he explained that this money is the most kosher, since the Torah granted it to the cochain and one should therefore be happy with it.

At the redemption, he would read the Hebrew formula of the cochain's questions as is found in the siddur "Olat Re'iyah."

A student had his son redeemed by our Rabbi with the famous coins of Ha-Rav Aryeh Levin, the Tzadik of Jerusalem. After a few weeks, the student approached our Rabbi in order to buy them back. Our Rabbi waited until everyone left. When they discussed their value, our Rabbi removed the coins from his coat pocket, because he had kept them there the entire time on account of their importance.

Before a Pidyon Ha-Ben, a student once came to our Rabbi, and he told him that Maran Ha-Rav Kook would use the coins of Ha-Rav Aryeh Levin, the Tzadik of Jerusalem. Our Rabbi was particular not to return the coins immediately in order to strengthen the recognition that we are discussing an actual payment to the cochain and not a temporary giving which automatically returns. A student once came to pay the true value of the redemption to our Rabbi. Our Rabbi did not agree, but specified a much smaller amount. Even though the student emphasized that he clarified what the correct value should be, our Rabbi remained firm, and mentioned that in the past they paid him a smaller amount.



### **Shut She'eilat Shlomo - Questions of Jewish Law**

#### Early davening

Question: I am a resident physician working in a hospital. I drive to work after "Alot Ha-Shachar" (when the rays of the sun shine over the horizon) and arrive at work before "Ha-Netz Ha-Chamah" (when one can see the ball of the sun). I never have time to daven at work. How should I daven Shacharit?

Answer: You should daven before you go to work. This is what is called "minyan poalim" (a worker's minyan) in Halachah (although you won't have a minyan). In an extreme circumstance, it is permissible.

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