

Aliyah Laregel Bzman Haze

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Each *Yom Tov* of the *Shalosh Regalim* we are reminded of the Torah (Devarim 16:16) commandment of *aliyah laregel*, of our collective pilgrimage to Yerushalayim.

Three times in a year shall all your males appear before the Lord your God in the place which He shall choose; on Pesach, and on Shavuot, and on Sukkos; and they shall not appear before the Lord empty;

Devarim 16:16

שלוש פעמים בשנה יראה כל זכורך
את פני ה' אלהיך במקום אשר יבחר
בחג המצות ובחג השבועות ובחג
הסכות ולא יראה את פני ה' ריקם:
דברים טז:טז

Upon receiving an “aliyah” during the *Keriat HaTorah*, the Gabbai blesses the *oleh* that he should merit to go up on the *regel* with the rest of the Jewish People. In order to analyze whether this *mitzvah* applies today, it is necessary to define the parameters of the *mitzvah* in terms of its connection to the *Beis Hamikdash*.

Connection Between the Korban and Aliyah Laregel

The Rambam summarizes the *mitzvah* as follows:³³

The definition of reiyah which the Torah mentions refers to being seen in the Temple courtyard on the first day of the holiday and to bring with him a korban olah from a bird or animal. A person that comes to the courtyard on the first day and does not bring the korban olah not only does he not fulfill a positive command (of reiyah) but he violates a negative command of ‘And donot see my face empty-handed.

Hilchos Chagiga 1:1

הראייה האמורה בתורה היא שנראה
פניו בעזרה ביום טוב הראשון של חג
ויביא עמו קרבן עולה בין מן העוף
בין מן הבהמה, ומי שבא לעזרה ביום
ראשון ולא הביא עולה לא דיו שלא
עשה מצות עשה אלא עובר על לא
תעשה שנאמר לא יראה פני ריקם.
רמב"ם הלכות חגיגה א:א

The Rambam views the obligation of *aliyah laregel* and of offering a *korban* as two parts of a single *mitzvah*. If one enters the *Beis Hamikdash* without a *korban* he commits a sin and does

³³ See also the Rambam in his *Sefer Hamitzvot* #20 and #53

not fulfill any positive command for his effort to travel to Yerushalayim for the holiday and be seen in the Beis Hamikdash.³⁴

The gemarah takes a similar approach by implying that without a Beis Hamikdash there is no obligation of aliyah laregel. In the context of finding witnesses for a *get* in Eretz Yisrael it states,

*Also from one state to another one should not fear that he could not find the witnesses in Eretz Yisrael since there are olei regalim we can surely find them. That may be true during the times when the Beit Hamikdash stood, but in times without a Beit Hamikdash what would we say?*³⁵

Gitin 4b

לעולם ממדינה למדינה בארץ
ישראל נמי לא צריך, דכיון דאיכא עולי
רגלים מישכח שכיחי. תינה בזמן שבית
המקדש קיים, בזמן שאין בית המקדש
קיים מאי איכא למימר?
גיטין ד:

This implies that there no longer were people performing aliyah laregel in the times after the *churban*. Also, there is no mention of this mitzvah in classic halachik works such as the Tur and Shulchan Aruch, which codify halachos applicable in the post-*churban* era.³⁶

Therefore, it seems clear from the Rambam,³⁷ Talmud Bavli, and from the fact that this halacha of aliyah laregel is not codified in the Tur or Shulchan Aruch, that the mitzvah does not apply in our times.³⁸

Accordingly, the Noda Beyehuda explains why the mitzvah of visiting one's Rebbe on Yom Tov cannot apply in post *churban* times as it would than obligate us to visit our teachers more than Hashem!

Therefore, since today due to our sins the statement that 'I will destroy your sanctuary' has been fulfilled... and we cannot go to receive the countenance of Hashem there since the Torah does not obligate us unless we also have a korban chagiga, there cannot be an obligation to visit one's Rebbe... because then it would make his honor greater than that of Hashem's.

Noda Beyehuda Orach Chaim #94

וא"כ לפי זה בזמן הזה שבעו"ה נתקיים
והשימותי את מקדשיכם... ואין אנחנו
הולכים לקבל פני השכינה שמה כלל כי
לא חייבה אותנו התורה כ"א בקרבן
חגיגה ועולות ראי', אין מקום להטיל
חיוב לקבל פני רבו כלל... דאם כן
כבודו גדול מכבוד שמים
נודע ביהודה או"ה צד

³⁴ The Turei Even (Chagiga 2a) understands the Rambam as saying that a condition in the obligation of aliyah laregel is to bring a korban, whereas the Sefas Emes (Chagiga 2a) views this as a *mitzvah haba beaveirah*. See also Minchas Asher Devarim #24.

³⁵ See also Nedarim 23a for a similar support to this approach.

³⁶ As opposed to the Rambam, who although lived only a few hundred years before, incorporated within his *Mishneh Torah* all halachos including those that only relate to the times with a Beit Hamikdash.

³⁷ However, a novel approach to the Rambam's position is found in Journal Bikkurim (5758, p. 133-148) by Rabbi Avraham Yehuda Weisberg in which he concludes that the sin of visiting Har Habayit without korbanos is designated to the first day of Yom Tov (as he cites Rambam Chagiga 1:4 and 2:6) and therefore if one were to visit during Chol Hamoed he would fulfill the mitzvah of aliyah laregel. See also Minchas Chinuch concerning fulfilling the mitzvah at night at a time when korbanot cannot be brought.

³⁸ It should be noted that the Talmud Yerushalmi (Chagiga 1:1), although not accepted *lehalacha*, takes a different approach to that of the Rambam and separates the mitzvah of aliyah laregel from that of the korban offered at the time.

But there is another approach found in a few later *achronim*⁴³ that even today if one were to visit the Beis Hamikdash area during the *chagim* one would be in fulfillment of a Biblical mitzvah, albeit a different mitzvah from aliyah laregel per se, namely that of *kabalas pnei hashechina*. We assume that even after the second Beis Hamikdash was destroyed, although the structure no longer stands on Har Habayis, the *shechina* still resides in that very place, just as it did during the time of the second Beis Hamikdash. Rabbi Menashe Klein goes even further and concludes

Perhaps today the mitzvah (to visit the shechina) is even greater today, as it says 'Zion has no seekers' which implies that it requires seekers and those that come bring joy to the Shechina and fulfill a great mitzvah indeed, this seems to me to be obvious and true.

Meshaneh Halachos 12:482

ואולי כעת המצוה יותר גדולה
 כמ"ש ציון דורש אין לה מכלל דבעי
 דורש ואם בא הדורש משמח כביכול
 השכינה ומקיים מ"ע גדולה וזלפענ"ד
 ברור ואמת
 שו"ת משנה הלכות חלק יב סימן תפב

Application to us today

There are a few practical applications that are borne out of this discussion as to whether the mitzvah of aliyah laregel applies today. Rabbi Ovadia Yosef (Yechave Daas 2:10) addresses the question regarding the halachos pertaining to the insertion of *tal umatar* which was instituted by Chazal to commence after the seventh of *Cheshvan* in order to allow travelers to return home from their aliyah laregel before praying for rain. It is interesting to note that this time delay still exists according to halacha today presumably because people maintain the minhag to continue the mitzvah of aliyah laregel.⁴⁴ However, Rabbi Yosef assumes that if one were to begin saying *tal umatar* immediately after Sukkot he would not have to repeat the *shmone esrei*.

A second source of note is the Sefer Yeraim (#425) who defines the verse “and you shall not see me empty handed” as referring to “empty from *tzedakah*” as opposed to the conventional definition of without a korban in hand. As such, it may be possible to fulfill the mitzvah of aliyah laregel and not transgress coming “empty-handed” as the aforementioned Ramabam assumes, provided that one hands out *tzedakah* when visiting the Kotel.⁴⁵

Another halacha that relates to Sukkos is the fulfillment of taking *daled minim* beyond the first day of Yom Tov. The Torah says⁴⁶ “You shall take for yourself on the first day... and you shall rejoice before Hashem your G-d a seven day period”. This implies a differentiation between the obligation in the Beis Hamikdash and outside of the Beit Hamikdash. Chazal teach that the Biblical obligation is only fulfilled in the Beis Hamikdash all seven days and outside the Beis Hamikdash only on the first day. This leads some later poskim⁴⁷ to encourage us to make an

⁴³ Tzitz Eliezer 10:1 and more explicitly in Rabbi Menashe Klein’s Mishne Halachos 12:482

⁴⁴ However the Ran (Taanis 10a) explains that today it is better for the summer crop to delay praying for rain until a later date.

⁴⁵ Perhaps this explains why there are so many opportunities to perform this mitzvah when one visits the Kotel. This may however still pose a problem on Yom Tov itself.

⁴⁶ Vayikra 23:40

⁴⁷ For a fuller discussion see Bikurei Yaacov (658:1), Mikraei Kodesh (Sukkos 2:19), Moadim Uzemanim (5:348) and the long essay by Rav Yeruchem Fishel Perlow at the end of the third volume of his notes to the Rasag (Miluim #5).

effort to daven at or visit the kotel during chol hamoed and to shake the *daled minim* there to fulfill the Biblical command.

What is clear from this discussion is the unity and centrality of the Beis Hamikdash, “the spiritual headquarters” of the Jewish nation. The mitzvah of aliyah laregel affords us the opportunity to maintain a broader perspective on the Jewish community and focus our *avodas Hashem* during the times of the year when we are not able to bask in the glory of the shechinah. Even today when the Biblical obligation may not exist, the themes and messages of the mitzvah should permeate our Yom Tov experience.

Rabbi Soloveitchik⁴⁸ pointed out that in all three places where the Torah describes the mitzvah of aliyah laregel⁴⁹ there is a notation in the *trup*, cantillation marks, when we *lein* those *pesukim* of a *psik*, which indicates a stopping point, between the words of *Adon* and *Hashem*. This indicates to us the duality of the mitzvah. The first stage is that of *Adon*, to go to Yerushlayim and to view the towering structure that is the Beis Hamikdash and its vessels, which we do not have today. The second is that of *Hashem*, to be with the shechinah, and that we are fortunate to have both in terms of the kedushat hamakom and through our learning of Torah and the *daled amos shel halacha* as the gemarah states

From the days that the Beit Hamikdash was destroyed the area (in which the shechina dwells) in this world is the four cubits of halacha.

Berachos 8a

מיום שחרב בית המקדש אין לו להקדוש ברוך הוא
בעולמו אלא ארבע אמות של הלכה בלבד
ברכות ה.

⁴⁸ Cited in Harerei Kedem Volume Two, page 349.

⁴⁹ Shemos 23:17, Shemos 34:23, and Devarim 16:16