



## **CONTEMPORARY KORBANOS: ISSUES AND OPPORTUNITIES**

Imagine it is right after Purim. The pile of *mishloach manos* has begun to shrink to a manageable size, the costumes have returned to the box in the basement, and you start to come to grips with the fact that Pesach cleaning is on the horizon. Then, someone posts in your neighborhood WhatsApp group: “Looking for a family of 4-6 to join our KP. Anyone interested?” You read it again; are they really looking for someone to join their korban Pesach? Was the Beis HaMikdash rebuilt, and you just somehow missed it? You reply privately to your neighbor, and she explains that this year, they’re planning on bringing a korban Pesach even though the Beis HaMikdash hasn’t been rebuilt yet. You send a question in to your “Shailos U’Teshuvos” group chat, asking if that’s at all allowed. And the answer, surprisingly, isn’t as clear as you might expect.

### **Kedushas Har HaBayis**

Does Har HaBayis (The Temple Mount) retain its *kedusha* even after the Beis HaMikdash was destroyed? The Gemara in *Megilla* (9b-10a) compares the period of the Mishkan at Shilo and the Mikdash in Yerushalayim. One difference, it writes, is that there was a period of *heter bamos*, personal altars, that were allowed after the destruction of Mishkan Shilo. However, after King Shlomo built the Mikdash in Yerushalayim, that was the end of the “*Bamos era*”; personal altars were no longer allowed. What is the law after the Beis HaMikdash was destroyed? The Gemara quotes a dispute about the status of Har HaBayis after the *churban*: one opinion holds that it retains its *kedusha*, while the other holds that the *kedusha* left when the building was burned. Tosfos holds,

though, that everyone agrees *bamos* are no longer an option. Our only chance at offering korbanos nowadays would be on Har HaBayis, and only according to the opinion that Har Habayis retains its *kedusha*.

Which opinion do we follow? The Rambam (*Beis HaBechira* 6:14-16) holds that it does retain *kedusha*. He explains that the *kedusha* of Yerushalayim and Har HaBayis comes from the presence of the Shechina, which descended when King Shlomo built the first Beis HaMikdash. Nothing, not even total destruction, can remove the presence of the Shechina; Har HaBayis remains holy. R’ Ishtori HaParchi, author of the *Kaftor VaFerach*, brings a number of other sources that also indicate that Har HaBayis still has *kedusha*, even though the Beis HaMikdash was destroyed (Chapter 6). Therefore, we can bring korbanos even without the

Beis HaMikdash being rebuilt.

The Raavad stridently disagrees. He brings a number of sources indicating that Yerushalayim and Har HaBayis no longer have *kedusha*. In fact, he suggests that this was by design: when Ezra returned to Israel and rebuilt the Beis HaMikdash, he knew that the third Mikdash would be drastically different, as described at the end of Sefer Yechezkel. Therefore, he only planned on infusing temporary *kedusha*.

## Korbanos Without a Beis HaMikdash

Assuming Har HaBayis retains *kedusha*, are we allowed to bring *korbanos* without a Beis HaMikdash?

While the Gemara seems to say that if there is *kedusha*, a Beis HaMikdash is not necessary to offer *korbanos* (*makrivin af al pi she'ain bayis*), the Chofetz Chaim, *Likutei Halachos*, *Zevachim* 66b, raised a technical issue. One of the requirements for most *korbanos* is that they need to be brought *lifnei pesach Ohel Moed* — at the entrance to the Ohel Moed, a phrase that shows up a number of times in the *pesukim*. Even if Har HaBayis retains its *kedusha*, is the lack of a *pesach Ohel Moed* a problem? Rav Moshe Shternbuch (*Moadim U'Zemanim* 4:351) suggests several answers. For example, that may only apply as long as the structure exists. While we have a Beis HaMikdash, *korbanos* need to be brought at the entrance of the Beis HaMikdash, as opposed to anywhere else. However, once the structure has been destroyed, that requirement is no longer relevant.

## Placement of the Altar

Do we need to build our Mizbei'ach in the exact same place as the original

Altar for the service to be valid? The Gemara in *Zevachim* 62a, records that Chagai, Zecharia, and Malachi returned with the Jews from exile in Bavel. One testified as to the proper placement of the Mizbei'ach, another testified as to its measurements, and the third testified that *korbanos* can be brought even before the Beis HaMikdash was rebuilt. This implies that there was a need to identify exactly where the Mizbei'ach was meant to stand; it wouldn't have sufficed to guess or choose a new place for bringing *korbanos*. What could we do now that we don't have a prophet showing us the proper place and measurements for the Mizbei'ach?

While we could try to measure using descriptions found in various sources, another problem becomes immediately clear: we don't know how long an *amah* is! How can we use measurements to determine the location of the Mizbei'ach? Furthermore, the Mizbei'ach is supposed to 32 X 32 X 10 *amos*. If we don't know the exact measurement of an *amah*, how can we build the Mizbei'ach? Fortunately, the Rambam in the same perek (halacha 17) provides a solution. The Rambam writes that the exact size of the Mizbei'ach is not critical. In fact, it can be as small as 1 X 1 X 3! As long as we can figure out the approximate area where the Altar used to stand, we can build a tiny replica anywhere in that original square and the Mizbei'ach will be valid.

## Inauguration in a State of Purity

Even if we manage to build a Mizbei'ach, we have another problem. Every vessel in the Beis HaMikdash needs to be initiated before use. When it comes to *using* the vessel, *tuma*

(ritual impurity) is not a problem; when most of the nation is *tamei*, we can ignore the problems that *tuma* causes for offering *korbanos*. However, many (including the *Chasam Sofer*, *Shu't Yoreh Deah* 236) suggest that the *chinuch*, the initiation of a new vessel, requires complete holiness. Is that attainable to initiate our Mizbei'ach? Everyone is assumed to be *tamei meis* nowadays, and we don't have ashes of a *parah aduma* to purify ourselves. Rav Shternbuch suggests that this may not be an issue. According to the opinion that the original *kedusha* of Har HaBayis is everlasting, that means that the *chinuch* of the first Mizbei'ach is still extant. Even though that original structure is no longer standing, a new Mizbei'ach would be considered a "*tikkun*," a rebuilding or fixing, rather than a new vessel, obviating the need for initiation with complete purity.

Let us assume that we can resolve these issues: Har HaBayis still has *kedusha*, there's no need for *pesach Ohel Moed*, and we can at least approximate the place of the Mizbei'ach. Who will perform the service? We need two things: 1) a Kohen, who is 2) *tahor* from all different strains of *tuma*. Do we have either of these?

## Status of the Kohanim

While we have many Kohanim, it's not clear how confident we are in their *yichus* (lineage). A Kohen is entitled to *teruma* from produce grown in Israel, charged with *nesias kapayim* and delivering *Birkas Kohanim* (*duchening*), and instructed to carry out the service in the Beis HaMikdash. Of those, serving in the Mikdash carries the most severe punishment if done improperly. Chazal were willing to settle on lower standards

for *teruma d'rabanan* (*terumah* that is only rabbinic in nature) and Birkas Kohanim. Anyone who has a *chazaka* that he is a Kohen — born to a father who was a Kohen — can eat *teruma d'rabanan* and do Birkas Kohanim. However, they insisted that only verified Kohanim serve in the Mikdash. A Kohen needs more than just *chazaka* to serve; he needs to prove his lineage. The Rambam (*Isurei Biah* 20:1-2) writes that he needs two witnesses who can verify that his lineage goes back to a Kohen who actually served on the Mizbei'ach. No one has such a strong *yichus* nowadays; this would seem to be a major problem. However, *Chasam Sofer* argues that the issue is not as overwhelming as we might have thought. The only concern of a Kohen without *yichus* is that at some point, someone in the family married a *chalalah*, a woman who isn't allowed to marry a Kohen. Her children no longer have the status of Kohanim. However, the Gemara, *Kiddushin* 66b, says that the service of *chalal* (the son of a *chalalah*) who serves and then finds out that he is a *chalal* is still valid after the fact. Rav Shternbuch dismisses this rationalization, pointing out that being a *chalal* is not the only concern. The fourth perek of *Kiddushin* relates that the family of the Chashmonaim lost their *yichus* when women from that family had relations with non-Jewish servants. Those children are not simply *chalalim* — they have no connection to the Kehuna! The lack of verified Kohanim is a significant problem.

## Dealing with Impurity

*Tuma* is less of a problem. The only *tuma* we can't fix nowadays is *tumas meis*, *tuma* incurred from contact with or proximity to a dead body. That requires ashes from a *parah aduma*,

which we don't have. Other forms of *tuma* need only immersion in a mikveh or flowing spring.

Of course, *avoda* can't be done in a context of *tuma*. However, when most of the *tzibbur* is *tamei*, *tuma* is temporarily ignored (*tuma dechuya b'tzibur*). This leniency applies only to *tumas meis*. Therefore, the *tuma* issue can be avoided: the Kohen would immerse in a flowing spring.

## Bigdei Kehuna

Assuming we have a Kohen who is able to serve, he also needs to be wearing the uniform. Every regular Kohen had to wear four special pieces of white linen clothing while he was serving in the Mikdash: pants, a tunic, a hat or turban, and a belt or sash (Rambam, *Klei HaMikdash* 8:1). Without this uniform, a Kohen is like a non-Kohen and is not allowed to do the *avoda*. Unfortunately, we have many questions about how to make these special clothing; for example, we don't even know what the regular Kohen's headwear is meant to look like (See Tosfos, *Sukka* 5a-b and Rambam/Raavad *Klei HaMikdash* 8:2). There is also a *sha'atnez* issue to deal with: the belt was interwoven with wool and linen. As long as the clothing is made properly, we can apply the rule of *asei doche lo saasei* — a positive commandment can override a negative commandment. However, if anything was made improperly, the mitzva is not fulfilled by wearing the priestly garments, in which case there is no permissibility to wear the *sha'atnez*.

## Need for Public Funds

Every aspect of the Beis HaMikdash needs to come from public funds

(Rambam *Klei HaMikdash* 8:7). When we had the Beis HaMikdash, every member of the nation donated a half shekel each year. This money was used for korbanos of the nation, as well as for the clothing of the Kohanim and upkeep of the vessels. There is only one korban that is an exception to this rule: the korban Pesach. (While each family or group pays for their own korban, it is still treated as a public offering, and is still subject to the leniency of *tuma dechuya b'tzibur*.) The Rambam (*ibid*) suggests a workaround that will solve the problem for other korbanos: an individual can donate something to the Mikdash on behalf of the *tzibbur*. As long as he really has in mind to give the donation on behalf of the entire nation, it would be considered public funds and usable.

## Conclusion

This only scratches the surface of the issues to be dealt with. There are more that we didn't even mention, and each one we did mention could be significantly expanded. Even if we solved all the halachic issues, there are obvious practical impediments to building a Mizbei'ach and offering korbanos on the Har HaBayis. Nevertheless, learning the sources and working through each potential issue gives practical expression to our desire for the Beis HaMikdash to be rebuilt. Across the generations, different personalities have tried to find ways to bring back the service of korbanos. We look forward to the opportunity to present ourselves to Hashem and dedicate everything we have to His service, and to bring that Mikdash-infused perspective back into our everyday lives (see Rav SR Hirsch's commentary on the beginning of Sefer Vayikra).