# May We Offer Sacrifices without a Beit HaMikdash? 19th Century Religious & Zionist Polemics - Shevuot 16a

Shevuot 16a offers the possibility of giving sacrifices even without a standing mikdash. This served as the basis for a fascinating practical discussion among both Haredim and early Religious Zionists in the 19th century about the role of korbanot in Jewish life.

Questions? Comments? Email dinanddaf@gmail.com

#### 1. שבועות טז.

תַּנָאֵי הִיא; דְּתַנָיָא, אָמַר רַבִּי אֱלִיעָזָר: שָׁמַעְתִּי כְּשֶׁהָיוּ בּוֹנִין בַּהֵיכָל, עָשׂוּ קְלָעִים לַהֵיכָל וּקְלָעִים לָעֲזָרוֹת. אֶלָּא שֶׁבַּהֵיכָל בּוֹנִין מבּחוּץ, וּבַעַזַרוֹת בּוֹנִין מִבּפָנִים.

This is a dispute between *tanna'im* as to whether the initial consecration of Jerusalem and the Temple sanctified them only for their time or forever. As it is taught in a mishna (*Eduyyot* 8:6): Rabbi Eliezer says: I heard that when they were building the Sanctuary in the Second Temple, they fashioned temporary curtains for the Sanctuary and temporary curtains for the courtyards to serve as partitions until the construction of the stone walls was completed. The difference was only that in the Sanctuary, the workers built the walls outside the curtains, without entering, and in the courtyards, the workers built the walls within the curtains.

אָמַר רַבִּי יְהוֹשֵׁעַ: שָׁמַעְתִּי שֶׁמַּקְרִיבִין אַף עַל פִּי שֶׁאֵין בַּיָת, אוֹכְלִין קְדְשֵׁי קָדָשִׁים אַף עַל פִּי שֶׁאֵין קְלָעִים, קָדָשִׁים קַלְּים וּמַעֵשׂר שׁנִי אַף עַל פִּי שֵׁאִין חוֹמַה; מפָנִי שֵׁקִדוּשֵּׁה ראשוֹנַה קִידְּשֵׁה לִשְׁעַתַּה וְקִידְשַׁה לְעַתִיד לְבֹא.

The mishna continues: Rabbi Yehoshua says: I heard that one sacrifices offerings on the altar even if there is no Temple, and one partakes of offerings of the most sacred order in the Temple courtyard even if there are no curtains, and one partakes of offerings of lesser sanctity and second-tithe produce in Jerusalem even if there is no wall surrounding the city. This is due to the fact that the initial consecration sanctified the Temple and Jerusalem for their time and also sanctified them forever.

#### 2. רמב"ם הל' בית הבחירה ו:טו

לְפִיכָךְ מֵקְרִיבִין הַקֶּרְבָּנוֹת כָּלָן אַף עַל פִּי שֶׁאֵין שָׁם בַּיִת בָּנוּי. וְאוֹכְלִין קָדְשֵׁי קָדָשִׁים בְּכָל הָעַזְרָה אַף עַל פִּי שֶׁהִיא חֲרֵבָה וְאֵינָה מֻקֶפֶת בִּמְחִצָּה וְאוֹכְלִין קָדָשִׁים קַלִּים וּמַעֲשֵׁר שֵׁנִי בְּכָל יְרוּשָׁלַיִם אַף עַל פִּי שֶׁאֵין שָׁם חוֹמוֹת שֶׁהַקְּדָשָׁה רָאשׁוֹנַה קַדְשֵׁה לִשְׁעַתָּה וָקַדְשַׁה לַעַתִּיד לַבוֹא:

Therefore, we may offer all the sacrifices [on the Temple site], even though the Temple itself is not built. Similarly, sacrifices of the most holy order can be eaten in the entire [area of the] Courtyard, even though it is in ruin and not surrounded by a divider.

We may also eat sacrifices of lesser sanctity and *Ma'aser Sheni* throughout Jerusalem, even though [it is not surrounded by] a wall, for through its original consecration, it was consecrated for that time and for eternity.

כיצד צולין את הפסח?...אמר ר' צדוק מעשה ברבן גמליאל שאמר לטבי עבדו צא וצלה לנו את הפסח על האסכלא.

How should one roast the *Pesach*?...R. Tzadok said, R. Gamliel told his servant Tevi to roast the Paschal lamb on the grill.

#### Responsum Chatam Sofer 2 (Yoreh Deah):236

Our teacher Rabbi Akiva (Eiger), head of the court of the holy community of Posen.

The precious (letter) of his holiness has reached me; and that which my teacher, my father-in-law (=R. Akiva Eiger), the *gaon*, whose light should burn bright, wrote about asking the officers of Jerusalem to give permission to offer sacrifices—he (=Rabbi Kalischer?) is rather stubborn, for he said that they do not allow non-Muslims to sacrifice there because their house of worship is there...

Regardless, concerning that which my teacher, my father-in-law, the *gaon*, whose light should burn bright, asked, How do we avoid the issues of *tum'ah* and priestly pedigree and the breastplate of the High Priest? Behold, in the book *Kaftor va'Ferach*, chapter 3, he wrote that R. Chaim of Paris went to Jerusalem in 5017 (1257 CE) and said that he wished to offer sacrifices, and he (kaftor va'ferach author) said that due to preoccupation I neglected to ask about *tum'ah* or priestly pedigree; he later wrote, Isn't *tum'ah* permissible for the community? And regarding the pedigreed priest, he never mentioned anything.

And in R. Jacob Emden part I, chapter 89, he abbreviated his story and wrote about him that one must also ask about donations of *shekalim* from the community, but perhaps he was trying to sacrifice the Paschal offering which can be given in *tum'ah* of the majority of the community and does not require donations. And he did not mention the priestly vestments because those certainly are not absolutely

## 4. שו"ת חתם סופר חלק ב (יורה דעה) סימן רלו (~ 1836)

מורינו הרב עקיבא נ"י אב"ד דק"ק פוזנא

יקרת קדשו הגיעני ומ"ש מו"ח הגנ"י לבקש משרי ירושלים ליתן רשות להקריב הוא קפדן גדול כי ההוא אמר לבל יקרב שם מי שאינו מאמונת ישמעאל כי שם נבנה בית עבודה שלהם...

ועל כל פנים מה שכתב מורי וחמי הגאון נרו
יאיר מה נעשה מטומאה ויחוסי כהונה ואבני
חשן? הנה בספר כפתור ופרח פרק שלישי
שם כתב שר' חיים מפריז עלה לירשלים
שנת י"ז לאלף הששי ואמר להרב שרוצה
להקריב קרבנות ואמר מתוך טרדה לא
שאלתי על הטומאה וכהן מיוחס. שוב כתב
הלא טומאה הותרה בציבור? ומכהן מיוחס
לא הזכיר כלל תירץ.

וביעב"ץ ח"א סימן פ"ט הביא ממנו בקיצור וכתב עליו שיש לשאול גם על שקלי ציבור ואולי קרבן פסח רצה להקריב דבא בטומאה בציבור ולא בעי שקלים, והנה מבגדי כהונה לא שאלו כי פשוט הוא שאין כהאי גוונא מעכב ונוכל להקריב בלעדו. ומה שכתב מיחוס כהונה נראה דלא קשיא מידי להרב חיים דמאן לימא לו דלא יקריב

necessary. And that which he wrote about the priestly pedigree, it seems that R. Hayyim had not problem with this, for who says that one cannot sacrifice based on a legal presumption?...For we rule, "God blesses His legions"--- even those who are *chilulim* (profaned).

אחזקה?...דקיימא לן בָּרַדְּ ה' חילו (ופועל ידיו ירצה- דברים ל"ג) אפילו חלולים שבהם (מכות יב.)

### Responsum, R. Yaakov Ettlinger 1

Altona (Hamburg), Tammuz 5622/1862 CE, to the Rabbi *Gaon* our teacher, Rabbi Tzvi Hirsch Kalischer in Thorn (Prussia)

Regarding what his Torah eminence wrote in his precious book that there is an obligation on all Jews to try even today before the messianic age to sacrifice in the place of the Temple by building an altar, as they sacrificed in the times of Ezra before the second Temple was build, as learned at the end of *Eduyot*, and he wanted me, in his kindness, to express my opinion on this...

Even if you sacrifice in the place of the Temple after it is destroyed, for which there is not prohibition of sacrificing outside of the Temple because the original sanctity remains and walls are not required, still "I shall not smell your fragrance"...

And I shall lay your cities waste, and I shall make desolate your sacred places, and I shall not smell you fragrances.

# Responsum, Rabbi Zvi Hirsch Kalischer

And also what the *gaon* from Altona wrote from the verse of "And I shall not smell" that a sacrifice today won't be accepted, the meaning of the verse is not that God will never again smell the sacrifices- only in the generation in which they clung to idolatry and other grave sins, then He would not smell. Similarly, "My soul loathes your new moons and holidays," — Does this mean that we should no longer celebrate the new moon or the holidays?!

Regarding all of the sacrifices, the Torah says "a fragrant offering"...except for the Paschal offering

#### 5. שו"ת בני ציון סימן א

אלטאנא, תמוז תרכ"ב. להרה"ג וכו' מה' צבי הירש קאלישער נ"י בק"ק טהארן.

על דבר אשר העלה מעלת כבוד תורתו נרו
יאיר בספרו היקר שחובה מוטל על כל
ישראל להשתדל גם בזמן הזה טרם ביאת
משיחנו להקריב קרבנות במקום המקדש על
ידי בנין המזבח כמו שהקריבו בימי עזרא
טרם בנין בית שני כדתנן סוף עדיות ורצה
בחסדו להביע לו דעתי על זה...

...אפילו תקריבו במקום מקדש אחר שיחרב דאין בזה איסור חוץ כיון שקדושה ראשונה קדשה לעתיד לבוא ואין צריך מחיצות מכל מקום לא אריח בריח ניחוח...

6. ויקרא כו:לא וְנַתַּתִּי אֶת-עַרִיכֶם חָרְבָּה וַהְשִׁמּוֹתִי אֶת-מִקְדְּשֵׁיכֶם וְלֹא אָרִיחַ בְּרֵיחַ נִיחֹחֲכֶם.

# 7. דרישת ציון, רב צבי הירש קלישר

(תרכ"ב-1862)

וכן מה שכתב הגאון מאלטונא מן קרא ד'ולא אריח' שאינו לרצון אין זה שלא ארצה להריח לעולם, רק בדור שהיו אדוקים בעבודת אלילים ובשאר עבירות גדולות, אז לא אריח, כמו שאמר 'חדשיכם ומועדיכם שנאה נפשי (ישעיהו א:יד)' ואטו בזמן הזה לא יהיו חודשים ומועדים?!

8. נצי"ב "העמק דבר" על דברים טז:ג

which is not given for the purpose of fragrance. Therefore, it was offered after the destruction so long as there was an altar. As is stated in the בכל הקרבנות כתיב 'ריח ניחוח'...זולת פסח שאינו קרב לריח ניחוח משום הכי קרב אחר החורבן כל זמן שהיה המזבח קיים.

**9.** Attitudes Toward a Resumption of Sacrificial Worship in the 19<sup>th</sup> Century, Jody Myers, 35 All these approving statements from the traditionalists were made in a polemical anti-Reform context. By arguing that sacrificial worship was still necessary, desirable, and halakhically permissible these rabbis were saying that present-day Jewish life was truncated and in need of redemption. They were saying this in rebuttal to Jews who asserted that present-day Jewish life was becoming normal and whole through enlightenment and civic emancipation. To the truly orthodox, Judaism had been and would always be a sacrificial religion. The impossibility of rebuilding the altar on the Temple Mount made this a wonderful and safe argument.

# 10. Chag haPesach: The Ideal Introduction to Chag haMatzot, Rabbi Michael Rosensweig (courtesy of torahweb.org)

The Torah consistently describes the *korban Pesach* as "*Pesach la-Hashem*", implying a special expression of devotion and recognition of Hashem's role...The fact is that this *korban* is not developed in the Torah in the context of other sacrifices (*Vayikra*, *Zav*, *Pinchas* etc.), just as it is not sacrificed within the traditional time frame bracketed by the two *temidim*. Unlike other *korbonot*, there is no focus even on *ritzui*, no hint of the otherwise ubiquitous concept of "*ishei reiach nichoach*", (see Chatam Sofer, Netziv and other *poskim* regarding the possibility of its sacrifice in the aftermath of the *churban ha-bayit*), and no special portion for the *kohanim*. *Korban Pesach* is sometimes formulated as a *korban tzibbur*, though the mitzvah devolves upon each individual and is achieved by means of voluntary groupings. This *korban* defies classification because its role is unique.