

“ועשו לי מקדש ושכנתי בתוכם” הרב צבי איינשטטר

Parshas Terumah discusses the building of the Mishkon, the first mitzvah of which is “ועשו לי מקדש” (שמות כה, ח) ושכנתי בתוכם. This is the first mitzvah that the Rambam talks about in הלכות בית הבחירה, and it is a מצות עשה דאורייתא to build the המקדש בית. There is a מח' ראשונים as to the nature of this mitzvah. The first few *bletter* of יבמות מס' discusses the topic of עשה דוחה לא תעשה and points out which mitzvos have that דין. Tosafos posits a כלל that we only say עשה דוחה לא תעשה when it is imperative to accomplish the מצות עשה that day which it clashes with a לא תעשה. If, however, the mitzvah could be accomplished at a later time and not rub against the לא תעשה, we say that one must preserve both מצוות and wait until later to accomplish the מצות עשה. The example which Tosafos gives is the מצות עשה to burn קדשים פסולים (leftover *korbanos* or those which became *tamei*). We know there is a לא תעשה to burn such a קרבן on Yom Tov because of עשה דוחה לא תעשה. Tosafos explains that since these *kodshim* objects can be burnt the next day, after Yom Tov, we do not employ עשה דוחה לא תעשה because אפשר לקיים שניהם.

The Rashba, however, in שבת דף כד מס' says from the Ramban that even when one can push off the עשה until tomorrow, the rule of עשה דוחה לא תעשה still applies. He brings a *rayuh* from the Gemara in מס' יבמות which states the mitzvah of “ועשו לי מקדש” does not have the דין of עשה דוחה לא תעשה to build it on Shabbos because of a *derasha* from the *posuk*, “את שבתותי תשמרו ואת מקדשי תיראו”, which teaches us the building the Mishkon/Bais Hamikdosh does not override Shabbos. But, why would we have אמינא to build it on Shabbos if we could wait until Sunday? We see from here that even if the mitzvah can be done at a later time, it still can have the דין of עשה דוחה לא תעשה.

The question we must address is what can Tosafos say to answer this *rayuh*? The Kehilas Yaakov (in יבמות מס') says Tosafos will say there are two types of mitzvos. Some mitzvos need only to be accomplished, but not necessarily in a time-sensitive manner. There is still an *inyan* of מקדימים זריזים, but one is still *yotzeh* the mitzvah fully whenever he performs it. Burning קדשים פסולים is an example of this. Obviously, it is better to take care of it quicker, but so long as one does it eventually he is *yozteh* the mitzvah. That is when Tosafos says to defer to אפשר לקיים שניהם. However, there are other mitzvos with whom we know the Torah is *makpid* that we perform them quickly, and delaying their performance is actually a מצוה ביטול. These are when the purpose of performing the mitzvah is for the result. For example, building the Mikdosh is not merely the action of building the physical edifice, rather it is to have a Mikdosh to use every day.

Just to give a *mashal*, let us say a city needs to build a school for its children. The people there couldn't say that it doesn't matter when they build it, so long as eventually they finally get around to doing so. The children need a school to attend right now! The purpose of building the school is to use it, and to do so as soon as possible.

Since the purpose of building the Mikdosh is to use it, then delaying in doing so is מבטל the mitzvah. Therefore, the mitzvah of building the Mikdosh would seem to indeed דוחה שבת. This is why the Gemara

brings the other *posuk* to preclude it from being שבת דוחה. It comes out that Tosafos holds the mitzvah of "ועשו לי מקדש" is one which cannot be delayed, whereas the Rashba holds that it can.

It would seem that a Gemara in ט מועד קטן דף ט, the *sugya* of שמחה בשמחה, should be a good *rayuh* for the Rashba. The Gemara traces the source for this כלל to Shlomo Hamelech. He made a week-long *Chanukas Habayis* which ended on *Erev Sukkos*. The Gemara asks, why didn't he do through the week of Sukkos itself? Tosafos explains this question: if everyone had to come to the Bais Hamikdosh for עליה לרגל, it could have been more efficient to have the *Chanukas Habayis* at the same time. Instead of taking off an extra week of work, they could have accomplished both simultaneously. From here we see אין מערבין שמחה בשמחה. The Gemara asks that maybe he did it then because that was when he finished building the Mikdosh, but answers that would not be a factor because he could have then waited until the next week to complete the construction and then hold the *Chanukas Habayis* over Sukkos, but he did not do so because of אין מערבין שמחה בשמחה. The Gemara does not accept this, because waiting to finish building the Mikdosh would have been improper, and Rashi Ksav Yad on מועד קטן explains that it would be a גנאי to be so close to finishing the Mikdosh and halt the operations in order to wait. Alternatively, Rash ben Hayasom explains that it would be tantamount to אין מעבירין על המצוות to stop construction once already underway. We see from this Gemara that one really could leave the mitzvah of building the Mikdosh were it not for this גנאי consideration. Seemingly, this is a *rayuh* for the Rashba that the mitzvah is not time-sensitive to be completed as soon as possible. How will Tosafos explain this Gemara?

One could suggest that Tosafos learns the Gemara as follows. Maybe Shlomo Hamelech could have finished the Mikdosh to degree of being operational. He could have waited to put the finishing touches, such as gold-plating or the like, until the *Chanukas Habayis*. Thus, he would have finished enough of the building project to be *yozteh* the mitzvah of "ועשו לי מקדש" while still being able to hold the *Chanukas Habayis* on Sukkos [instead of beforehand]. The *kasha* on this *mehalech* is the *yesod* we have from the Mishna, that even when the Mikdosh is fully built it remains *chullin* until the special inauguration ceremony is carried out. [See the Gemara יד-טו for the details of it.] This ceremony is certainly *m'akev*, and Tosafos himself (מס' שבעות דף טו.) says that it only takes place after the entire construction is fully completed. If so, Shlomo Hamelech would not have been able to use the Mikdosh for that week before Sukkos, before the *Chanukas Habayis*, even though the edifice was operational. Thus, we are left our *kasha* of how Tosafos learns the Gemara in מועד קטן in light of his *shita* that one must finish the mitzvah as soon as possible without delay.

I thought of a different *mehalech* based upon the Rambam at the beginning of בית הבחירה. The Rambam enumerates all the different Mikdashos in Bnei Yisroel's history. First we had the Mishkon in the *Midbar*; after we crossed the Yarden it stood in Gilgul for fourteen years; then it went to Nov; after Nov, it went to Givon and then finally we had the Bais Hamikdosh on Har Homoriya. The Kesef Mishna is *medayek* from the *lashon* of the Rambam that each of those had a *kiyum* of "ועשו לי מקדש". This mitzvah does not apply only to the Bais Hamikdosh, the Gemara ב עירובין דף ב cites it in reference to the Mishkon itself.

Based upon this, we could say a simple answer for Tosafos. Presumably, the day before Shlomo Hamelech dedicated the Bais Hamikdosh, Bnai Yisroel brought their *korbanos* in Givon. Thus, we were doing the mitzvah of "ועשו לי מקדש" continuously. It was not the case that Shlomo Hamelech was holding up the mitzvah by waiting to inaugurate the Mikdosh, because the Mishkon was still in service in Givon.

We were simply converting the Mikdosh from Givon to Har Hamoriya. This is why the Gemara in *מסי מועד קטן* felt that Shlomo Hamelech should have waited a week to make the *Chanukas Habayis* coincide with Sukkos. Even delaying something which is *m'akev* (such as the inauguration ceremony) would not be an issue of being *מבטל* the mitzvah because the Mishkon was still in use.

The only issue with this *mehalech* is the discrepancy of years between the Mishkon in Givon and the completion of the Bais Hamikdosh. In the last *perek* of *מסי זבחים*, the Gemara says that the Mishkon stood for 57 years combined between Nov and Givon. Furthermore, it makes a *cheshbon* that period ended four years in to Shlomo Hamelech's reign. That is when he began building the Bais Hamikdosh, which stood for 410 years after it was completed. The *posuk* also states that he finished building it in the eleventh year of his reign. That leaves us with a seven-year gap between the Mishkon standing in Givon and the completion, and inauguration, of the Bais Hamikdosh.

What did Bnai Yisroel do for those seven years? From the Gemara it sounds like nothing was doing in the interim. If so, we cannot say that the Mishkon was in service in Givon while the Bais Hamikdosh was under construction. However, there are three *shitos* of what actually occurred during those seven years, and in each *mehalech* we can say the answer that "ויעשו לי מקדש" was still *mekuyam* all the while the Bais Hamikdosh was being built.

1) Sefer Terefes Yaakov (a *peirush* on the Tiferes Yisroel, found in the back of the Yachin-Boaz Mishnayos) says that when Shlomo Hamelech started building the Bais Hamikdosh, he shut down the *bama* in Givon and brought it to Yerushalayim. For those seven years, they brought the *korbanos* in the temporary *bama* in Yerushalayim. So, they were *mekayem* the mitzvah of "ויעשו לי מקדש" throughout construction.

2) The Yaavetz, in Sefer Lechem Shomayim, says that when Shlomo Hamelech started construction in his fourth year, he was immediately *mekadesh* it and set up the *m'akev* items (such as the Mizbe'ach, etc.) and began bringing *korbanos* straightaway. Again, the mitzvah of "ויעשו לי מקדש" was still in force throughout construction, and in this *mehalech* it was in fact the Bais Hamikdosh itself.

3) The GR"A, based upon the Seder Olam which reckons the years of Nov and Givon differently. The GR"A concludes that the Mishkon in Givon was in use throughout the seven years of the Bais Hamikdosh's construction. According to this, Givon was the Mikdosh in service throughout those seven years, which means that the mitzvah of "ויעשו לי מקדש" was indeed covered throughout construction.

With these three *mehalachim*, we can still understand for Tosafos why the Gemara entertained the possibility of delaying the *Chanukas Habayis* when the mitzvah of "ויעשו לי מקדש" is time-sensitive and must be carried out without obstruction.

We should be *zoche* to be *mekayem* this mitzvah once again, במהרה בימינו, with the גאולה שלימה לבוא.