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Parashat Teruma

Parashat Teruma presents the command to construct a portable *Mishkan* (Tabernacle), which Maimonides views as establishing as well the obligation to construct the permanent *Beit Ha-mikdash* in Jerusalem (*Sefer Ha-mitzvot*, *asei* 20; *Hilkhot Beit Ha-bechira* 1:1).

Maimonides and Nachmanides debate the question of what precisely this *mitzva* entails. In *Sefer Ha-mitzvot*, Maimonides emphasizes that the command to construct a Temple includes within it the obligation to construct all its various furnishings. The *Mikdash*, by definition, must feature not only a building, but also the accessories and appurtenances required for its functioning. Nachmanides, by contrast, in his critique of *Sefer Ha-mitzvot* (*asei* 33), defines the *mitzva* as requiring the construction of only the building, but not the Temple's furnishings. In his view, the obligation to construct each of the furnishings is included under the command to perform the ritual associated with that article. Thus, for example, the obligation to build a *menora* is naturally subsumed under the *mitzva* to kindle the *menora* each day – which quite obviously necessitates the presence of a *menora*.

Maimonides' stance, that *Benei Yisrael* fulfill the obligation to construct a *Mikdash* only once they have built the building and its furnishings, reinforces a question that many have raised concerning the Second Temple period. The Gemara in *Masekhet Yoma* (52b) relates that the original *aron* (ark) was buried underneath the Temple toward the end of the First Commonwealth, and the Second Temple functioned without an ark. A number of writers wondered why the Jews of the Second Temple did not construct a new ark. According to Maimonides, as we saw, the obligation to build a *Mikdash* includes the obligation to construct all its furnishings. Therefore, once the Persian Empire allowed the Jews to rebuild the Temple, they were seemingly obligated by Torah law to also construct an *aron* – certainly an important component of the structure.

A number of writers (*Meshekh Chokhma*, Parashat Teruma; Rashash, *Masekhet Yoma*) suggested that the ark has no halakhic significance if it does not contain the *luchot* – the tablets Moshe brought from Mount Sinai. As the ark is called "*aron ha-eidut*" ("the ark of testimony"), it must, by definition, contain the tablets, the testimony of our covenant with the Almighty. The construction of a gold-plated wooden chest does not satisfy the requirement to build an *aron*; the chest must contain the *luchot* as an everlasting symbol of *Benei Yisrael's* covenant with the Almighty. Hence, since the *luchot* were inaccessible during the period of the Second Temple, no purpose would be served in building a new *aron*.

According to this view, we might say that the Jews of the Second Temple period were unable to construct an ark, so they constructed the Temple and its other furnishings so they could fulfill the *mitzva* to the extent that this was possible, even though they could not fulfill the *mitzva* in its entirety.

Rav Yosef Dov Soloveitchik (cited in the journal *Mesora*, vol. 15, p. 49) answered differently, claiming that the underground site where the ark was buried was the alternative site of the ark in the *Mikdash*. In describing the construction of the Temple in his *Hilkhot Beit Ha-bechira* (4:1), Maimonides writes that King Shelomo built the underground site during the building of the *Mikdash*. This might indicate that from the outset, the Temple was constructed with two acceptable locations for the ark: in its normal place in the *kodesh ha-kodashim* (innermost sanctum of the Temple), and in the underground caverns beneath that site. According to this theory, it emerges that the Second Temple did, in fact, have an ark, and thus the Jews of the time indeed fulfilled the obligation to build a *Mikdash*.

Another explanation emerges from Maimonides' definition of the obligation to build a Temple. He writes in *Sefer Ha-mitzvot*, "He commanded us to build a 'chosen house' for worship, where sacrificing and the constant kindling of the fire occurs, and to where the journey and pilgrimage will take place every year." The definition of the Temple, according to Maimonides, is a site for sacrificing and the festival pilgrimages. It stands to reason that if we define the *Mikdash* in these terms, then the presence of an ark is not indispensable for fulfilling the *mitzva*. Since the *Mikdash* can serve as a site of sacrificial offerings and *aliya le-regel* (the festival pilgrimages) even without an *aron*, perhaps the *mitzva* to construct a Temple is satisfactorily fulfilled even in the absence of the ark.

In fact, in the first chapter of *Hilkhot Beit Ha-bechira* (*halakha* 5), Maimonides lists "the things that are essential in the building of the Temple" ("*ha-devarim she-hein ikar be-vinyan ha-bayit*"). Somewhat surprisingly, he makes no mention of the *aron* in this list. Apparently, Maimonides did not view the *aron* as an essential component of the *Mikdash*. We might speculate that he inferred this position from the fact that the Second Temple served the people despite the absence of the ark. This fact may have very well indicated to Maimonides that the nation can fulfill the *mitzva* of building a Temple even without an *aron*. Thus, rather than posing a challenge to his view, the ark's absence during the Second Commonwealth may actually form the basis of his perspective that the obligation to construct a *Mikdash* does not include constructing an *aron*.