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## The Unique Nature of Zechirat Amalek

RABBI YOSEF BLAU

The Torah requires the Jews to remember and/or not forget many historical events. In many siddurim a list of six remembrances appears, to be recited each morning. In the Kiddush Friday night, Shabbat is connected to remembering both the acts of creation and Hashem's taking the Jews out of Egypt. We are warned strongly not to forget the revelation on Sinai.

Yet none of these remembrances are expressed in a mandated Torah reading. According to many authorities, the obligation to read Parshat Amalek is the only Torah reading that is a biblical requirement. At first glance this is puzzling. Remembering Amalek is hardly as fundamental to Judaism as is belief in creation or revelation of the foundational event of Jewish national history: our being

redeemed from slavery in Egypt.

The obligation to destroy every single Amaleki is in sharp contrast to the Torah's attitude to Egyptians. Again and again the Torah's message is that the Israelites have to be careful to avoid mistreating strangers because we were strangers in Egypt. In fact, there have been a large number of nations who fought against Israel and anti-semites throughout the ages, and yet there are no corresponding commandments to remember them or destroy them.

The requirement to read a specific biblical text gives remembering Amalek significance while simultaneously limiting its scope. The normal pattern or appropriate Jewish behavior is to emulate the Divine attribute of mercy. Rav Aharon Soloveitchik wondered why we omit the sec-

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ond half of the verse, which enumerates Hashem's applying strict justice and punishments, when reciting the thirteen attributes. He explained the difference between the attributes that reflect mercy, which are primary qualities that always are necessary, and those of judgment, which need to be applied sparingly. The world is built on Hashem's loving kindness, and humans could not survive in a world of strict judgment. Our obligation to emulate His ways requires us to follow the same pattern. Yet there are circumstances that demand strict application of law.

Wars are fought for control of territory or because a group feels threatened. The Egyptians feared the growth of the Israelites. These fears may be projections, but wars are rarely fought without a perceived cause. Amalek was unique in that it attacked the Jews soon after they left Egypt for no apparent reason. The enmity came out of pure hatred without any provocation. When facing pure evil, the normal approach of mercy is counterproductive.

# Appointing an Agent for Mishloach Manot

ZAC KATZ

The Gemara (Eiruvim 31b-32a) states that sometimes, we can assume that a halachic agent (shliach) in fact performed his assigned task (chazaka shliach oseh shlichuto). Specifically, Rav Nachman distinguishes between Torah-level matters, where we cannot assume that a shliach carried out his task, and rabbinic-level matters, where we can safely make such an assumption. Rav Chaim Pinchas Sheinberg points out that on this basis, we run into a seeming dilemma with regards to one of the most essential mitzvot of Purim. With regards to mishloach manot, we know that one can rely on a shliach to carry out the mitzvah for him. Seemingly, one is permitted to assume that the shliach in fact delivered the mishloach manot to the intended recipient. However, there is a dispute as to whether or not the rules of Purim are considered Torah-level or rabbinic-level. Although it is obvious that Purim is not a holiday prescribed by the Torah, the Beit Yosef (O.C. 686) cites the view of the Ba'al HaMa'or that Purim is like a Torah-level obligation; Rav Bartzeloni, on the other hand, asserts that it is not like a Torah-level obligation. According to the opinion of the Ba'al HaMa'or, then, it would follow that one is not permitted to assume that his shliach in fact delivered the mishloach manot with

Precisely because it is against Jewish nature, the Torah commands us to read the portion about Amalek before we destroy them. One cannot compromise with evil. Yet there are negative consequences created by total warfare. The defining characteristics of the Jewish people of being compassionate, capable of experiencing shame, and doing acts of loving kindness need to be preserved.

Reading a prescribed text serves to both define and limit. It differentiates between Amalek and other opponents of the Jewish people. In this manner, it spurs action while maintaining balance.

Accordingly, we accept the view that this remembrance takes place once a year rather than the view that sees it as a continuous obligation, similar to the obligations for remembrance we read in the siddur. A Jew has to be fearless in fighting evil while retaining Jewish character which is based on qualities of mercy and peace.

which he was entrusted.

Rav Sheinberg suggests a resolution to this dilemma based on the Binyan Tzion (45). The Binyan Tzion raises a doubt regarding whether someone can fulfill the mitzvah of mishloach manot if he delivers them himself. Since the pasuk says "mishloach" manot, perhaps a shliach is necessary to perform the mitzvah. Based on this, Rav Sheinberg asserts that since the mitzvah of mishloach manot can be performed only via a shliach, it is incomparable to other cases. In the context of other mitzvot that can be done using a shliach, the main mitzvah is to do it oneself. While it is true that one can appoint a shliach to do it for him, we cannot assume that the shliach did what he was sent to do if it is a Torah-level obligation. However, mishloach manot has a completely different aspect to it. The entire mitzvah of mishloach manot is to be fulfilled through a shliach, so the shlichut is not being used as a means to perform what really should be done personally. If so, perhaps we need not be concerned for the possibility that the shliach did not fulfill his assigned task. As such, even the Ba'al HaMa'or, who says Purim is like a Torah-level obligation, would have no issue using a shliach.

# Matanot La'evyonim: The Polemics of Poverty

JOSH WERNICK

The Gemara (Megillah 7a, codified by the Shulchan Aruch O.C. 694:1) states that in order to fulfill the mitzvah of matanot la'evyonim, one should give two gifts to two "evyonim", poor people, on Purim. Rashi explains that the two gifts must be given to two people because of the plural phraseology of the term "evyonim" employed by the pesukim in Megillat Ester.

What exactly is an "evyon?" The Aruch HaShulchan (694:2) explains that if one gives a gift to a man and his wife, it is considered as if he gave only to one person given the halachic principle of ishto k'gufo. The Maharsha, on the other hand, seems to say that a man and his wife would be considered like two different people, since the giver intends to fulfill the mitzvah with each one.

According to the Mekor Chaim (694:3), one should try to fulfill the mitzvah with a person who is extremely poor. He bases this assertion on the Gemara's distinction (Bava Metzia 111b) between an evyon and an ani: an evyon feels no shame when asking for charity because of his extreme poverty, while an ani still feels some degree of embarrassment. The Aruch HaShulchan disagrees, positing that the term evyonim in this context is not to be construed in its narrowest sense but rather is meant to include anyone who is considered poor.

In the context of hilchot tzedakah, the Shulchan Aruch (Y.D. 253) defines a poor person as one who does not have the ability to hold himself and his family to a "normal" standard of living and has no belongings that he is able to sell to that end. Additionally, one who experiences temporary extenuating circumstances, such as an illness or a wedding of one of his children, is considered a poor person for the purposes of matanot la'evyonim, since at the time he does not have enough money for his needs.

Rashi in Bava Metzia explains that the local charity officials should not be "medakdekin b'davar" and should buy whatever the poor people will need for Purim. Whatever is left over should be sold and the money returned to the local charity fund. However, according to the Yerushalmi (Megillah 1:4) as explained by the Ritva, "ein medakdikin b'davar" means that one should not investigate if a given person truly is in need of matanot la'evyonim

but rather should give to any person that asks. The true idea of matanot la'evyonim is not one of regular tzedakah; it is part of the broader idea of mishloach manot. Many dispute the assertion, since mishloach manot and matanot la'evyonim appear to be two distinct concepts. According to the Ramban and Rabbeinu Bechayei, the rule that matanot la'evyonim are distributed without investigation is based on the idea of simcha. Once one gives to everyone, he participates in everyone's simcha. It is not related to the rules of matanot la'evyonim or mishloach manot per se. One might suggest that even the Ritva did not mean to say that matanot la'evyonim is included in the idea of mishloach manot – rather, he merely is proving from mishloach manot that we are supposed to facilitate other people's joy and happiness on Purim, one example of which would be distributing funds without investigation.

The Ramban and Ran in Bava Metzia explain that one can even give charitable Purim funds to a non-Jew, as the non-Jew may feel jealous if everyone besides him receives a handout. According to the Gemara in Gittin (61a), one should support the non-Jewish poor along with the Jewish poor based on darchei shalom.

The Gemara (Bava Metzia 78b) states that if a person sets aside money for matanot la'evyonim, he should not redirect it to any other cause. According to Tosfot (ibid.), the Gemara is describing a rule unique to Purim. Although normally one is permitted to redirect tzedakah funds from one charity to another, once one stipulates that money is supposed to go for matanot la'evyonim, he cannot change his mind and switch it for something else. The Ritva explains that since it is part of mitzvot hayom, one should not change what it is designated for, because it is as if he stipulated when he donated it that it was given strictly for Purim.

This presents a question - can one give money before Purim that will reach the poor person only on Purim? Are we afraid of the money being used for another purpose? According to the Bei'ur Halacha (694, citing the Magen Avraham in the name of the Ba'al HaMa'or) one should not give money to the poor before Purim because we are

afraid that they will use it before Purim. If it is known for sure that they will not use it, though, then it is acceptable to give the money beforehand; the main point is for the poor person to benefit from the gift on Purim. According to the Aruch HaShulchan (694:17), though, the gift must

be given specifically on Purim in order to fulfill the mitzvah. The logic underlying this view is that the main point is to give money on Purim, since that will cause simcha. May we all merit fulfilling this mitzvah in the best possible way.

## The YU Ethicist

# Does Judaism Encourage Individualism?

ELCHANAN POUPKO

One of the most outstanding aspects of Judaism is the great amount of details that must be observed. Judaism has what to say about what we should be doing from the moment we wake up in the morning until the moment we go to sleep. This is not merely a peripheral aspect of Judaism; the mitzvot and their meticulous observance assume a position of utmost importance in Judaism. The observance and practice of mitzvot not only are described as necessary components of Judaism, but are also presented as prerequisite conditions and a working formula towards becoming better and more pious people (see Avot 2:6).

The more thought one gives to this, however, the more perplexed he becomes. If there are so many set rules that are to be followed, then to what extent do our individual characters matter? If indeed the Jewish ideal is for us to follow a set of rules, and the better we follow it the better people we become, then what room is there for individualism and uniqueness in Judaism? Is there one golden standard for which we all should strive? This possibility does not negate or diminish the importance and significance of the individual's struggle; there is no question that each individual has his own unique set of gifts, challenges, and circumstances. The question, though, is if there is a special path, a unique course that one ought to pursue and develop; is there place for a unique and original existence that each individual is to seek and follow?

This and similar questions were very much on the minds of young people and budding intellectuals throughout the late 19th and early 20th centuries and were a matter of great dispute between some of the leading Jewish thinkers of the time. A most prominent voice in these discussions was that of Rabbi Yisrael Salanter, who caused a tumult in the traditional Jewish community by openly declaring that meticulous observance of the rules simply is not enough.

He asserted that deeper introspection and a sharper, personalized, and moral compass are necessary and indispensable tools in Jewish practice, tools that are essential imperatives for all. Others, however, sharply criticized him for this approach, which they argued undermined the existing halachic system by characterizing it as insufficient. Thoughts of the opposing school of thought were articulated some decades later by the Chazon Ish in his *Emunah U'bitachon*.

Rabbi Salanter and the Chazon Ish agree that striving for the fullest observance of Torah and mitzvot are necessary prerequisites to becoming a good Jew. Both agree that Judaism advocates a high level of personal integrity, compassion, and sensitivity to others and that these traits are indispensable in the pursuit of spiritual success. Indeed the Torah is full of commandments that obligate us to be decent, considerate, and virtuous people (see Vayikra 19:9-19). The point of disagreement is whether following those rules is sufficient. With such powerful sentiments and arguments pulling in each direction, it is no wonder that this controversy occupied the minds and hearts of Judaism's best and brightest.

Many times the norm teaches us about the extreme. At times, however, the extreme can teach us about the norm. There is a remarkable story we are told (see Ta'anit 18b and Rashi s.v. be'Ludkiya, based on the interpretation of Rabbeinu Gershom Bava Batra 10b) about two brothers named Papus and Lulyanus. A Roman ruler got upset at a Jewish city where a murderer was hiding and declared that he would decimate the entire city if it would not bring forth the murderer. Papus and Lulyanus, despite not being the perpetrators of the crime, nonetheless confessed, thereby incurring an automatic death penalty but sparing the rest of the city. The Gemara tells us (Bava

Batra 10b) that in the world of reward and closeness to Hashem, there is no one that is on a higher level than these two brothers. This seems puzzling, since we know of many other supremely righteous people. Why is it that these two brothers gained this exceptional distinction? It seems clear from here, as well as from other stories in the Gemara, that virtue, reward, and closeness to Hashem are not always determined by a “points” system; integrity, richness of character, altruism, and sincerity play a crucial role (cf. Ya'avetz Gittin 58a s.v. nechtam). In fact, one need not go as far as the Gemara to establish this point. Tanach is full of stories where brave decisions, courage, and integrity have transformed difficulty into destiny, tragedy into trajectory, and oppression into opportunity. The stories of Pinchas's everlasting merit, King David's eternal throne, and many more stories of “self-made” greatness that did

not go unrewarded are just some examples of Judaism's recognition and appreciation of individual greatness (see B'midbar 25:11 and Shmuel II 7:8).

The Torah introduces us to an extensive system of detailed commandments; Judaism and closeness to Hashem are impossible without such a standardized and absolute system of rights and wrongs. Ignoring this system is, and has proven to be, a deleterious mistake. At the same time, this system of rules does not at all rule out personal and individual decisions and the infinite possibilities of unique character. Each and every person is to do his utmost to explore and express all that is unique about himself. Such pursuits can make us into better Jews and simultaneously give the Jewish people a contribution it cannot afford to lose - its own unique children.

## From the Masechta

# Doctors, Contractors, or Employees?

EPHRAIM METH

The Gemara (Bava Metzia 77a) writes that employees (poalim) and independent contractors (kablanim) are governed by different laws. For instance, poalim may quit in the middle of a job even if they committed themselves via a kinyan, while kablanim who committed via kinyan may not quit. Moreover, poalim who quit are entitled to a prorated salary, i.e. half their wages for half the job, while kablanim sometimes receive less than half their wages for half the job. Furthermore, if a poel was grossly overpaid or underpaid, his contract is still binding, while a kablan who was overpaid or underpaid is entitled to restitution (Rambam Hilchot Mechirah 13:15).

There are three ways to determine whether a worker is a poel or a kablan. First, a worker paid per hour is a poel, while one paid per service is a kablan (Maggid Mishneh Hilchot Sechirut 9:4). According to this, a poel is bound to his boss, while a kablan is bound to his labor. A kablan is distinguished by his responsibility; if he is efficient and creative, he will keep more time for himself, while if he is slothful and incompetent, he will suffer the consequences. In contrast, a poel who works efficiently simply will be assigned another task by his boss.

It sometimes is difficult to determine how a worker is paid. For instance, doctors are compensated for the services they provide and also for the time they spend. Two

procedures that take equal time can have different costs, but one procedure can cost one amount if it takes a certain measure of time and cost more if it takes longer. Doctors in private practice perceive of themselves as charging for service. Hence, based on this criterion, it is most likely that such doctors are kablanim.

A second criterion for distinguishing between a poel and a kablan is that a worker who must complete his job within a set time is a poel, while one who can complete it at his leisure is a kablan (Terumat HaDeshen 323). This definition downplays responsibility and instead emphasizes freedom. It ensures that workers' freedom is preserved, since kablanim can, by virtue of their commitment's nature, freely choose how to use their time, while poalim have similar freedom by Torah fiat.

According to this, it is unclear whether private doctors or poalim or kablanim. When patients make an appointment, does this obligate the doctor to meet them, if not at the exact appointment time, at least reasonably soon afterwards? Or is the appointment simply a suggestion about when the doctor is most likely to choose to meet them? According to the media, a doctor in Las Vegas was fined \$250 for keeping his patient waiting, but a doctor in Dallas was exonerated for a similar offense. Hence, there still is confusion in the public mind about whether or not

doctors may complete their job at leisure.

The third criterion for distinguishing a poel from a kablan is that a worker who improves an object may be a kablan, but one who makes no concrete improvement can only be a poel. Rabbi Soloveitchik explained that a kablan is entitled to restitution because he acquires the object upon which he labors, and the object's owner must pay him to relinquish that acquisition. For this reason, the laws governing paying a kablan correspond to the laws of purchasing an item, not to the laws of hiring workers. For instance, an employer need not pay a kablan with

currency, just as he need not pay a merchant with currency. Moreover, he need not pay his kablan within the day of completing his work; he may wait until he receives the item, just as he need not pay a merchant until he receives his merchandise. (Rambam Hilchot Sechirut 11:3) In contrast, poalim must be paid with currency and must be paid within the day.

According to this, since doctors cannot acquire a share in their patients, doctors cannot be kablanim, and rather must be deemed poalim.

# Close to Loss and Far From Profit: Saintly Economics

SHLOMO ZUCKIER

Ribbit applies not only to loans, but also to conditional sales that are unfairly biased towards the (delayed) buyer. Thus, the Gemara (64a-b) states that buying an item for later delivery with the proviso that losses will void the sale while gains will not is considered karov l'sachar v'rachok l'hefsed, closer to gain than loss, and is prohibited. Each case must involve at least some possibility of loss in order to be permitted. Rashi refers to the Gemara on 70a, which makes four points. Firstly, Karov l'sachar v'rachok l'hefsed investments may be carried out by orphans. Next, cases of karov l'sachar v'rachok l'hefsed generally make someone an evildoer (as avak ribbit; see Rashi, s.v. karov l'sachar and Rambam Malveh V'loveh 4:14). Furthermore, one who lends karov l'hefsed v'rachok l'sachar is a saint (chasid). Finally, cases equally close to or far from both are the general situation (midat kol adam).

The first question we should ask is why this "evil" practice is permitted for orphans. Furthermore, if there is no problem of ribbit in a case where the likelihood of loss or gain is equal, why is that considered inferior to cases where the person entering the deal bears a greater likelihood of loss? Shouldn't each case be equally salutary, each equally permitted? What is it about the karov l'hefsed v'rachok l'sachar case that renders its investor saintly?

I believe the answer to this question can be found upon consulting a Mishnah (Avot 5:10) whose language is surprisingly parallel to that of our Gemara. The Mishnah sets out four different attitudes that people have towards ownership. One type of person says sheli sheli v'shelcha

shelcha- what is mine is mine and what is yours is yours. According to one opinion, this is a normal tendency (beinoni). A second possibility presented in the Mishnah is that this is an evil, Sodomite tendency. For the purposes of this approach, we will follow the first approach in the Mishnah. Another type of person says sheli shelcha v'shelcha sheli- what is mine is yours and what is yours is mine. Such a person is called an am ha'aretz, for his anarchistic approach is unsustainable. A third attitude is sheli shelcha v'shelcha shelcha- what is mine is yours and what is yours is yours. This very generous approach is referred to as one of a chasid, a saint. The final attitude presented by the Mishnah is sheli sheli v'shelcha sheli- what is mine is mine and what is yours is mine. This selfish approach is described as that of an evildoer.

If we analyze our Gemara, we find that the categories match up almost completely. We have the chasid as well as the evildoer characters, accompanied by a middle-of-the-road position. Due to the symmetry between the karov l'zeh ul'zeh and rachok l'zeh ul'zeh categories, there only are three characters in our Gemara, but each has a corresponding avatar in the Mishnah in Avot.

If so, we have to ask what the connection is between the different scenarios. Presumably, the middle-of-the-road characters are on religiously neutral footing, and the evildoer in each case has done something wrong – be it committing the rabbinic sin of charging avak ribbit in Bava Metziah or stealing from others in Avot. But what is the similarity between the two chasidim? We are left to

understand that, just as the chasid in Avot is generous, the chasid in Bava Metzia shares that same characteristic. Such an understanding follows the Ramban's approach (Devarim 23:20-21) to the prohibition of ribbit, which emphasizes the missed opportunity of charity or interest-free loans (as opposed to the approach of Tosafot Bava Metzia 70b s.v. Tashich, which treats ribbit as theft). Now our Gemara becomes clear: in our case, though one can act decently and without committing rabbinic prohibitions of ribbit by having a "balanced" business deal, one can turn his venture into an act of kindness by putting the odds in favor of his (ostensibly poor) partner who needs the loan. It is not a binary question of whether it is prohibited as ribbit or not, but rather a sliding scale of how far one goes to help the unfortunate, ranging from avak ribbit to beinoni to chasid.

Hence, even for the evildoer, the prohibition is not a full one of ribbit, but only a rabbinic avak ribbit. This case is not formally defined as a loan, but as a sale. (This understanding is subject to some controversy; see Rashi 64b s.v. rachok l'hefsed and Tosafot s.v. 64a ih takfah.) However, given that ribbit functions not as an arbitrary formal rule but as representing a moral principle, it is not surprising

to find Halachah insisting on the same principle even in cases of sales, outside of the technical purview of ribbit. The goal of the prohibition of ribbit is to spur generous and moral behavior, to encourage charity and free loans. This does not stop once we move outside the realm of ribbit proper: one can still be a chasid or an evildoer based on the way he treats the poor outside of the purview of prohibited loans.

Furthermore, we now understand why we permit this type of loan for orphans. Generally, the problem with a loan that is karov l'sachar v'rachok l'hefsed is not based on the letter of the law, as the transaction is not treated as a loan. The spirit of the law, however, still applies – there still is a needy person who can be assisted through a generous free loan. But in the case of orphans, the logic is reversed: these orphans are the ones desperately seeking a source of stable income. In such a case, and especially if the orphans are to invest with a successful businessman (as Rambam Malveh V'loveh 4:14 advises) and not a desperate, indigent one, there is no concern for the borrower's financial wellbeing! Due to this reversal of the usual reasoning, in this case we allow loaning on a karov l'sachar v'rachok l'hefsed basis.

## From the Parasha

# The Beit Hamikdash - Place of Worship or Place of Resting?

In these parshiyot we are introduced in much detail to what became the epicenter of Jewish life for millennia: the Mishkan, which ultimately became the Beit Hamikdash. The Jewish people are commanded to build a sanctuary, a place of dwelling for The Divine presence, in their midst. The Rambam (Sefer Hamitzvot Aseih 20) counts this as one of the six hundred and thirteen mitzvot that are incumbent upon us to fulfill. However, he emphasizes that the commandments to craft different vessels for the Mishkan, i.e. the Shulchan, Menorah etc., are not to be counted as separate mitzvot. Since these vessels' purpose to serve as part of the greater Mishkan, they are not to be listed as separate mitzvot, but rather as details and parts of the mitzvah to build a Mishkan. The Ramban, in his critique to the Rambam's Sefer Hamitzvot (Mitzvah 33), takes sharp issue with this premise of the Rambam,

and concludes that each one of the Holy vessels should be counted as a mitzvah unto itself. The only reason we don't end up counting separately the assembly of most utensils is that fashioning these utensils is included in the commandment to use the utensils, each for its specific service. In other words, the reason we need not count the assembling of the Menorah as an individual mitzvah is because such an obligation is inherent in the commandment to light a menorah, as it is impossible to light a Menorah in the absence of a Menorah. If, however, this would not be the case, then indeed we would need to enumerate the assembling of a Menorah as one of the mitzvot.

Stepping back for a moment, what is it that was bothering the Ramban about the Rambam's position; why couldn't he accept that assembling the Holy vessels is included as part of the commandment to build the Mish-

kan?

In outstanding elegance and refreshing originality, Rabbi Asher Weiss, in his *Minchat Asher* (Shemot, siman 48), suggests the following source for the contention between the Rambam and Ramban. When we look at the commandment to build the Mishkan, there are two possible ways to explain the imperative for such a commandment. On the one hand we can explain that the purpose and reason d'être for the Mishkan is so that there is a proper place of worship for the Jewish people; so there is a place to perform the avodah of the korbanot, a place to serve God and follow the instructions He has given us as to how to worship Him. Another possible explanation, however, is that the main purpose of the Mishkan, as is indicated in many psukim, is to serve as a place for the Divine presence, the Shechinah, to dwell. When taking a careful look at the description of the Mishkan, one sees these two approaches reflected in the words of the Rishonim. When the Rambam describes the purpose of the commandment to build the Mishkan (*Sefer Hamitzvot*, *ibid.* and *Hilchot Beit HaBechirah* 1:1), he describes the Beit Hamikdash as a place of worship, a place where korbanot can be brought and the Temple service can be properly fulfilled. When taking a look, however, at the Ramban's description of what purpose the Mishkan is to fulfill, one finds a different description and explanation. The Ramban writes (*Shemot* 25:1) that by building the Mishkan, we create a place where God's Divine presence can dwell among the Jewish people.

This sheds light on the other disagreement between the Rambam and the Ramban. The Rambam, who sees the

quintessence of the Mishkan and Mikdash as a place of service and a facilitator for the offering of the korbanot, does not need to count the assembling of the Holy vessels as a separate mitzvah, since one cannot imagine a Mikdash as a place of offering korbanot without the vessels and utensils that make the offering of those sacrifices possible. The Ramban, however, who sees the Mikdash's primarily as a place of resting for the Divine presence that does not necessitate the use of any specific utensil, views the assembling of those utensils as distinct from the actual structure and building of the Mikdash.

This approach explains a mystery that has long puzzled scholars and commentators (see *Minchat Chinuch Mitzvah* 97). While the Rambam, in his *Yad HaChazakah*, seems to cover every aspect of the description and construction of the Beit Hamikdash, the one element that is conspicuously missing from his description, an item that by no means can be ignored, is the Aron - the Holy Ark. Why does the Rambam omit this centerpiece of the Mikdash, and give a detailed description of everything but this most important item?

Some suggest, based on the aforementioned argument, that the Beit HaMikdash, from a halakhic perspective, serves as a place of worship and sacrifice; the Aron, despite being possessed of the utmost meaning and holiness, does not have a specific operational function or mitzvah with which it is associated. Since the Rambam is halachically codifying the role of the Mikdash, and since he sees the primary function of the Mikdash as a place of worship, he therefore does not give a description of the Aron in the *Yad HaChazakah*.

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