

Bais HaVaad on the Parsha

Parshas Terumah:

Summary of a *shiur* by Rav Yosef Greenwald

The Rambam (*Hilchos Bais HaBechirah* 1:12) writes that the mitzvah of building the *Bais HaMikdash* applies only by day. He also rules that women are obligated in this mitzvah.

If the mitzvah only applies by day, it is a *mitzvas asei shehazman grama*, a time-bound positive mitzvah, from which women are *patur*.

So why are they *chayav* here?

The Bais Yitzchak (from *Turei Even*, *Chagiga* 16b) answers that the mere act of building does not comprise the mitzvah of *Binyan Bais Habechirah*.

Rather, the mitzvah is to *have* a *Bais Hamikdash* by means of constructing one. Because the mitzvah is the end state, once the *Bais Hamikdash* is built, the mitzvah is fulfilled in perpetuity as long as the building stands. And because the mitzvah fulfillment is not limited to daytime,

this is not reckoned a *zman grama*.

The Maharach Ohr Zarua identifies a similar idea in *bris milah*, where the Gemara (*Kiddushin* 29b) derives from a *pasuk* that women are *patur*. Why is a *pasuk* necessary? Isn't *bris milah* a *mitzvas asei shehazman grama*? He answers that the *ikar mitzvah* is for the child to be *mahul* forever, and that's not called *zman grama*.

(Tosafos

there disagrees.)

The Minchas Chinuch finds the same concept in *shemita*, where women are *chayav* even though it would appear to be *zman grama*, because the primary mitzvah is to have the land rest (*chovas karka*).

Another answer to our original question comes from Har HaMoriya: True, the mitzva is by day, but preparations and *tirdos* apply at night, too, so the mitzvah is not *zman grama*. The Tosfos Rid makes a similar point about *bris milah*.