

## OVERVIEW of the Daf

### 1) Defining מחיצה (cont.)

A second version of the Gemara's first discussion is presented but in this version the initial assumption is that the term מחיצה refers to a division and this indicates that damage from staring is considered damage.

It is suggested that the term מחיצה refers to a wall and this would indicate that damage from staring is not considered damage.

The second suggestion is rejected.

The first suggestion is unsuccessfully challenged.

Another unsuccessful challenge to the first explanation is presented.

An unsuccessful challenge is presented to R' Ashi's explanation that the Mishnah refers to a courtyard that is not large enough for one partner to force the other to divide it in two.

### 2) Defining the terms in the Mishnah

The terms used to describe different materials in the Mishnah are explained.

These explanations are unsuccessfully challenged.

A second version of this discussion is recorded.

Abaye draws a conclusion regarding the thickness of a wall made from half-bricks and then qualifies this ruling.

An alternative qualification to this ruling is recorded.

### 3) The ratio of height to width

The Gemara unsuccessfully challenges the indication that a wall of planed stones must be five tefachim wide for every four amos of height.

The reason an amah traksin was not present in the Second Beis HaMikdash is explained.

A source is given to prove that the Heichal of the Second Beis HaMikdash was taller than the Heichal of the First Beis HaMikdash.

Different ways of being able to have an אמה טרקסין are suggested but rejected.

### 4) The thickness of walls

The Gemara inquires whether the thickness given in the

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## Distinctive INSIGHT

### Build a new shul before demolishing the old one

אמר רב חסדא לא ליסתור איניש בי כנישתא עד דבני בי כנישתא אחריתי

Rav Chisda teaches the halacha that it is prohibited to demolish a shul until after a replacement shul has been built. The reasons given are either because we are concerned that there will be an element of negligence and once the old shul has been demolished the new building might never get rebuilt, or else we are concerned that once the old structure has been demolished the community will not have a place to daven in the meantime until the new building is built. Therefore, once the new building has been built, there is no longer any reason to worry about the plans for reconstruction or whether the community will have a place to daven, and the old structure may then be demolished.

At the beginning of Parashas Re'eh (Devarim 12:4), the Torah describes destroying the places of idolatry that the Jews would find upon their entry into Eretz Yisroel. The verse then commands, "Do not do like this to [the places of] Hashem, your God." This mitzvah is the prohibition to destroy anything of kedusha, referring to the altar, and also to battei knesses. Chasam Sofer asks why our Gemara does not mention this verse as an issue regarding demolishing a building which was used as a shul. Chasam Sofer answers that it is only prohibited to totally destroy or demolish items or places of kedusha. If, however, the purpose of demolishing is in order to build, this is not prohibited from the Torah. Nevertheless, our Gemara identifies two concerns of the sages in demolishing a shul before a new one to replace it has already been built. Chasam Sofer also notes that once the kedusha of the old building has been officially transferred upon the building materials which are designated for the new structure, the old structure no longer possesses any kedusha, and demolishing it would not be a violation of the verse not to destroy anything of kedusha.

שו"ת שו"ת שו"ת (2:25-1), however, explains that the sensitivity of our Gemara to be concerned that a new structure might not be built after having demolished the first building is based upon this very principle. It is precisely due to the prohibition not to destroy anything of kedusha that the rule of R' Chisda is founded. The only reason why an old shul can be destroyed is if there is a net gain by doing so, i.e., if a new shul is built as a result. But if there is a risk that a new shul might not be built, it would turn out that the old shul was knocked down for no reason, and this would be a violation of the Torah's command. ■

## REVIEW and Remember

1. What is the alternative meaning of the term מחיצה?
2. What was the אמה טרקסין?
3. What is the reason a Beis HaKnesses may not be demolished unless a replacement has been constructed?
4. How did Herod become king?

# HALACHAH Highlight

## May the materials of the old Shul be thrown away?

והאמר ר' חסדא לא ליסתור איניש בי כנישתא וכי

Didn't R' Chisda teach that one should not demolish a Beis Haknesses etc.

Poskim<sup>1</sup> disagree whether the building materials of a torn down Beis Haknesses must be put into genizah. The essence of the question revolves around the question of whether a Beis Haknesses is categorized as תשמישי קדושה – an item of sanctity – or is it categorized as תשמישי מצוה – an item used as a mitzvah. Items of sanctity, e.g. a Sefer Torah, mezuzah, tefillin, etc. that are in a state of disuse must be buried. There is no requirement to bury items used for a mitzvah; the only guideline is that they may not be disposed in a disrespectful fashion. There are Poskim who write that one should adopt a stringent approach and require burial of the old Beis Haknesses, either in the foundation of a Beis Hamidrash or in a cemetery near the grave of a God-fearing person, nonetheless, the common practice is that these materials are not buried. One explanation for our lenient practice is that even if we assume that a Beis Haknesses is categorized as an item of sanctity, our synagogues are built with a condition that once they are no longer usable the material reverts back to its non-sacred state and the sanctity is transferred to the replacement Beis Haknesses. Even if this stipulation was not made when the Beis Haknesses was originally built, it is treated as though the stipulation was made so that there should not be a requirement to bury the building material of the old shul.

On a related matter Poskim discuss the status of worn out furniture from a Beis Haknesses<sup>2</sup>. They maintain that the same ruling given for a Beis Haknesses is applied to the synagogue furniture. Once it is no longer usable it reverts back to a non-sacred status because it is assumed that a stipulation regarding its use was

(Insight...continued from page 1)

Mishnah includes the plaster or not.

On the second attempt the Gemara proves that the thickness includes the plaster.

### 5) Destroying a Beis Haknesses

R' Chisda teaches that one may not destroy one Beis Haknesses unless a replacement has been constructed.

Two explanations are given for this ruling.

A practical difference between these two explanations is suggested.

A related incident is recorded.

Ravina asked R' Ashi to discuss different possible leniencies to allow the destruction of an old Beis Haknesses before the construction of the new Beis Haknesses.

It is noted that if the old Beis Haknesses shows signs that it may collapse it may be destroyed immediately and an incident is cited as proof to this principle.

### 6) Herod

In light of this discussion the Gemara clarifies how Bava ben Buta was permitted to advise Herod to tear down the Beis HaMikdash in order to build another in its place.

The Gemara relates the incidents that led up to Herod's ascent to the throne.

The Gemara begins to recount Herod's attempt to kill all of the rabbis. ■

made. Therefore, it is permitted to throw away the furniture. The only restriction is that furniture that is recognizable as synagogue furniture should not be thrown out in a way that will be seen by others since it is disgraceful (בזיון) for the furniture to be thrown out in such a fashion. It should be disposed of in an isolated location so that people will not see that it is being thrown away. ■

1. ע"י פסקי תשובות סי' קנ"ב אות ב.

2. ע"י פסקי תשובות סי' קנ"ב אות י"ב. ■

# STORIES Off the Daf

## A Shul for all seasons

"מרימר ומר זוטרא סתרי ובנו..."

In many locations, the summer months can be brutally hot. This was especially noticeable in the years before modern technology brought us the electric fan and then the air conditioner.

In a certain city, the residents endured a very hot summer for four months of the year. During this time it was essential to be in an open cool place, while during the winter people needed a good roof to keep out the rain. During the four months when the summer heat made the conditions in the

"winter shul" unbearable, the entire community would daven exclusively in the summer shul. During the remaining eight months, they would worship in the covered shul.

A certain person objected to this arrangement. He claimed, "This is clearly a marked lack of respect for the winter shul! At the very least, one minyan should brave the extreme heat so that it is not left desolate for four long months. Did our forefathers daven out of doors during the summer months? Saying it is too hot is much too weak an excuse to allow us to disregard our regular shul in this manner!"

Since the rav of the town was not certain whether this claim had halachic merit,

he sent the entire question to the Ben Ish Chai, זת"ל, for adjudication. He answered, "This city's custom is unquestionably permitted. This is eminently clear from the gemara in Bava Basra 3. Rashi explains there that Marimar and Mar Zutra had a winter shul which was not too tall and had small windows to keep in the heat, and a summer shul which had an abundance of cross-ventilation. This implies that they davened exclusively in the cooler shul during the summer and in the warmer shul during the winter. We see from the anecdote alone that there is no halachic problem with abandoning the winter shul during the summer months!"<sup>1</sup> ■

1. שו"ת תורה לשמה, סי' ס"א. ■