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Megillah Daf 26

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Incidental to the laws of the reading of the Megillah and the Torah, this chapter of the Tractate deals with the laws pertaining to the sanctity of the synagogue.

This Mishna states that the proceeds from the sale of a sanctified object assumes the level of sanctity previously possessed by the object and may be used only in the purchase of an article of a higher level of sanctity in accordance with the principle applicable to all sacred matters, that we ascend, but to not descend.

If the residents of the town sold the open place of the town, they may purchase a synagogue with its money. If they sold a synagogue, they may purchase an ark. If they sold an ark, they may purchase wraps for the Torah. If they sold wraps, they may purchase the books of Prophets and Writings. If they sold books, they may purchase a Torah.

But if they sold a Torah, they may not purchase the books of Prophets and Writings. If they sold books, they may not purchase wraps. If they sold wraps, they may not purchase an ark. If they sold an ark, they may not purchase a synagogue. If they sold the synagogue, they may not purchase the open place; and similarly with their surpluses. (25b - 26a)

The Mishna had stated: If the residents of the town sold the open place of the town, they may purchase a synagogue with its money. This assumes that the open

space of the city has sanctity. This is a matter of dispute between Rabbi Menachem and the Chachamim. Rabbi Menachem maintains that it has sanctity because the nation prays there on fast days and by the Ma’amados. The Chachamim hold that it does not have sanctity because they do not pray there on a regular basis. (26a)

The Mishna had stated: If they sold a synagogue, they may purchase an ark. Rabbi Shmuel bar Nachmeini says in the name of Rabbi Yonasan: This ruling is only correct if it was a synagogue located in a village, where the local residents have a right to sell it; however regarding a synagogue located in a city, the residents do not have a right to sell it because people come from the outside world, and therefore are considered partners in the synagogue.

The Gemora asks from the following braisa: It is said *and I will place a tzaraas plague in a house of the land of your inheritance*. The Tanna Kamma maintains that the verse implies that only *your* inheritance, i.e. a house that is on the land that was appropriated to the original settlers of Eretz Yisroel is susceptible to the tumah of tzaraas, whereas a house in Jerusalem, which is not considered to be *your* inheritance, is not susceptible to tumah of tzaraas. Rabbi Yehudah, however, maintains that only the site of the Beis Hamikdosh is not susceptible to tumah of tzaraas because it belongs to Hashem and is not regarded as *your* inheritance. Rabbi Yehudah implies that synagogues and study halls in

Jerusalem are susceptible to tzaraas, even though they are urban, yet according to Rabbi Shmuel, urban synagogues may not be sold because they are not owned by an individual and therefore should not be susceptible to tzaraas. The Gemora answers that Rabbi Yehudah really meant that only a sacred site, which includes synagogues, study halls and the Beis Hamikdosh, are not susceptible to tumah of tzaraas.

The Gemora explains the argument between the Tanna Kamma and Rabbi Yehudah. The Tanna Kamma maintains that Jerusalem was not divided up amongst the tribes of Israel, so a house in Jerusalem is not considered as *a house of the land of your inheritance*, and therefore it will not be susceptible to tumah of tzaraas. Rabbi Yehudah, however, maintains that Jerusalem was divided up amongst the tribes of Israel and therefore regular buildings in Jerusalem are susceptible to tumah of tzaraas. Synagogues, study halls and the Beis Hamikdosh, however, do not belong to any individual or group and therefore they are exempted from the laws of tzaraas tumah.

A braisa states that the Temple Mount, the Chambers, and the Courtyards of the Beis Hamikdosh were located in the portion of the tribe of Yehudah. The *Ulam*, the *Heichal*, and the Chamber of the Holy of Holies were located in the portion of the tribe of Binyamin. A strip of land extended from the portion of Yehudah and entered into the portion of Binyamin, and the mizbeach was built on that portion. Binyamin the Righteous foresaw the intrusion of Yehudah into his territory and this caused him great distress, and Binyamin desired to absorb that strip into his territory as it is said in the blessing that Moshe conferred on the tribe of Binyamin *he agonizes over it all day long*. Since Binyamin was distressed about this, he merited becoming host to the Divine Presence, as it is said *and between his*

(Binyamin's) *shoulders does He (Hashem) rest*. This description of the Beis Hamikdosh complex supports the opinion that Jerusalem was divided up amongst the tribes of Israel.

A different braisa states that one cannot rent out houses in Jerusalem because the houses do not belong exclusively to the owners. Rather, the houses and all of Jerusalem are owned by the entire Jewish People. Rabbi Elozar bar Tzadok maintains that they could not even lease out the beds because the land on which the beds stood belonged to all the tribes and the owner of the bed could not lease out the bed for a full rental fee. To compensate the innkeepers for this loss in revenue, the innkeepers were permitted to take the hides from the pilgrim's offerings. It is clear from this braisa that forbids renting houses in Jerusalem that Jerusalem was not divided up amongst the tribes of Israel. We also derive from the braisa that when one leaves his host, it is proper to leave the jug which he used while staying at his host and he should also leave for his host the hide of any animal that he may have slaughtered. The Chachamim made this law regarding the pilgrims to Jerusalem so that the hosts would be welcoming to their guests. (26a)

Rava qualifies the ruling of the Mishna: If the synagogue was sold by the seven trustees of the town in the presence of the townspeople, the proceeds may be used even to drink beer with it.

The Gemora records an incident with Ravina which indicates that when the synagogue was sold by the seven trustees of the town in the presence of the townspeople, the synagogue site may be used for planting or other activities *(even though it is a disrespectful activity and would have been forbidden if*



it was not sold by the trustees or in the presence of the townspeople). (26a – 26b)

The Gemora rules that one may not destroy a synagogue until he builds another synagogue, even if the destruction was for the purpose of building another one (*such as, using the bricks and beams from the old synagogue*). We are concerned that after the destruction of the old synagogue, he will neglect to build the new one, thus leaving the community without a synagogue to pray in. (26b)

The Gemora cites a braisa: Objects used for a mitzvah may be discarded (*they are not regarded as sacred*), while objects used for holiness are hidden away. The following are objects used for a mitzvah: sukkah, lulav, shofar and tzitzis. The following are objects used for holiness: sacks for seforim, for tefillin and mezuzos, a sefer Torah case, a tefillin case, and their straps. (26b)

Rava said: Initially, I believed that the bimah was an accessory of an accessory for a sacred object (*the Torah, since there is a covering on top of the bimah*). When I saw that there are times that they place the Torah directly upon it, I considered it to be an accessory for a sacred object and therefore one would be prohibited from using it for non-sacred purposes. (26b)

Rava said: Initially, I believed that the inner curtain of the ark was an accessory of an accessory for a sacred object. When I saw that there are times that they fold it and place a sefer Torah upon it, I considered it to be an accessory for a sacred object and therefore one would be prohibited from using it for non-sacred purposes. (26b)

Rava said: One is permitted to construct a smaller ark from an ark which broke apart; however to construct a bimah out of it would be forbidden. (26b)

INSIGHTS TO THE DAF

HALACHOS FROM RABBI NEUSTADT

Question: What are the rules for disposing of *tashmish d'tashmishai kedushah* and *tashmish d'tashmishai mitzvah* objects?

Discussion: This lowest category of ritual objects includes those items which are not directly involved in either the *kedushah* itself or in the direct performance of a mitzvah. The basic halachah holds that once these items are no longer fit for use, or once the mitzvah that they were used for is no longer applicable, they have no significance whatsoever and require no special method of disposal. It is still recommended by many *poskim*, however, that in order to show honor and respect to a mitzvah, it is appropriate to dispose of these items in a dignified manner only.

The following items may be discarded in any manner, but it is recommended that they be disposed of with respect:

- A Kiddush cup ("*becher*") — used for Kiddush and Havdalah only
- A bimah
- A bimah cover, plastic

A bookcase (used exclusively for *sifrei kodesh*)