The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ק"נ סעיף א'-ג'

Overview

Siman 150 Seif 1:

Citizens of a city can force one another to build a *Bais HaKnesses* and to purchase a Torah, Nevi'im and Kesuvim. (See above *siman* 55 if they can force one another to hire a *minyan*.)

- Rambam writes that when ten Jews live together they must set aside a place for *davening* and that place is called a *Bais HaKnesses* and even the minority can compel the majority to build a *Bais HaKnesses*. (M.B. 1)
- If they can not build a *Beis HaKnesses* they must at least rent a place for *davening*. (M.B. 2)
- *Poskim* write that money to construct a *Bais HaKnesses* is collected according to wealth and when collecting money to rent a *Bais HaKnesses* 50% is collected according to wealth and 50% is collected by charging each person equally. (M.B. 2)
- Nowadays a *Bais HaKnesses* must purchase *sefarim* for adults and children for Torah study but in places where *sefarim* are readily available the *Bais HaKnesses* is not obligated to purchase them since people can borrow them from one another. (M.B. 3)

Siman 150 Seif 2:

The *Bais HaKnesses* must be built at the height of the city and if necessary its height should be raised so that it could be the tallest usable structure, to the exclusion of בירניות (some sort of decorative structure) **or towers that have no functional use. If a building has a slanted roof that is not fit for use the house is measured to the top of the usable area. Therefore, if a house has an attic under such a roof the attic should not be higher than the *Bais HaKnesses*.** In a pressing circumstance or if there is a government law that does not allow building a *Bais HaKnesses* according to *halacha* it is permitted to *daven* in a house even if there are residents who live on the second floor as long as the residents of the second story maintain a clean dwelling as will be explained at the end of *siman* 151.

- There are places that are not particular about this matter. (M.B. 5)
- Rema means they are exclusively decorative and do not have a functional purpose. (M.B. 6)
- Even though the *Bais HaKnesses* is beneath the apartment it is permitted. (M.B. 7)

Siman 150 Seif 3:

There is an opinion that maintains that if one builds his house higher than the *Bais HaKnesses* he is forced to lower his house. (It is sufficient if even one corner of the *Bais HaKnesses* is higher than the other houses.)

- Rema means that the actual structure must be higher and it is not sufficient to merely extend a pole higher than the houses. (M.B. 8)

Stories to Share

A Shul or a Mikveh

ש"ע ס' ק"ן, א': "כופין בני העיר זה את זה לבנות בית הכנסת..."

On today's amud we find that a community can force each other to build a shul and purchase a Torah, nevi'im and kesuvim. The Biur Halacha points out that this is true regarding all essential needs of the community; including seforim and even building a beis midrash if there is no room in the shul to learn comfortably.

But what should one do if there isn't enough money for every essential need of the community?

A certain community had only enough money to either build a shul or a mikveh. An argument broke out regarding how to spend the community funds. One group insisted that their first obligation was clearly a mikveh. If there was no mikveh in the city, it was quite likely that people would violate very serious prohibitions. A second group insisted that a shul comes first. They argued, "Praying with a minyan is a daily obligation, aside from the obligation to hear the Torah readings. Not only that, but it is a communal obligation that surely is greater than having our own mikveh. There are other mikvaos not far away that the community can use."

The members of the community decided to take their dispute to the Chazon Ish, zt"l. He answered, "Build the mikveh. True, the people will not have a shul to daven in. However, it is worthwhile to forgo a shul in favor of a mikveh to ensure that people don't transgress isurei kareis!"

פאר הדור, חלק ב', עמוד קנ"ח

Halacha Highlight

One *minyan* or many *minyanim*

Shulchan Aruch Siman 150 Seif 3

כופין בני העיר זה את זה לבנות בית הכנסת

The citizens of a city can force one another to build a *Bais HaKnesses*

Shulchan Aruch (סע' א') teaches that the residents of a community can force one another to build a *Bais HaKnesses*. Magen Avrohom in the name of Rivash (ע' מ"ב סק"ב) writes that one who prevents a *Bais HaKnesses* from being built, even if there is already a *Bais HaKnesses* in town, prevents a *mitzvah* from being performed. If the existing *Bais HaKnesses* is large enough for all of the members of the community it is prohibited to build another *Bais HaKnesses*. Sha'ar HaTzion (סק"ג) offers two explanations why it is prohibited to build another *Bais HaKnesses* if the existing one is large enough to hold everyone. His first reason is based on the *pasuk* ברב עם הדרת מלך—In the multitudes of the people is the glory of the King. Additionally, building another *Bais HaKnesses* is damaging to the *tzedakos* and public teaching of Torah.

Mishnah Berurah (סק"ב) quotes Radvaz who writes at length about the topic of building a second *Bais HaKnesses* and concludes that when everyone can *daven* together and get along it is preferable for everyone to *daven* in one *Bais HaKnesses*. If the people cannot get along with one another it is preferable for the community to divide into two separate *Batei Knesiyos*. Radvaz continues and explains that when there are two *Batei Knesiyos* one should *daven* where he feels most comfortable, similar to the principle that one learns best a topic that interests him. This principle is the basis for the common practice for there to be many *Batei Knesiyos* in a single community. Since each group wants to *daven* in a manner that makes them comfortable, whether it be related to the *nussach* that they prefer, the customs or even the songs, it is permitted to organize another *minyan* to accommodate the different needs of the people in the community.