



Overview

Siman 152 Seif 1 (a):

A *Bais HaKnesses* may not be destroyed in order to build another *Bais HaKnesses* out of concern that something will happen and they will not build the new *Bais HaKnesses*. Rather the new *Bais HaKnesses* should be constructed first and then they may tear down the old *Bais HaKnesses* (even if they only want to tear down a single wall to expand the shul the same *halacha* applies).

- ❖ The same *halacha* applies to a *Bais HaMidrash* regardless of whether it is communal or whether it is private. (M.B. 1)
- ❖ Later authorities rule that when renting space for a *Bais HaKnesses* they may not leave one location until they have rented another location. (M.B. 3)
- ❖ Even if all the money was raised and the materials were purchased the prohibition applies out of concern that they may need to use the money to redeem a captive. (M.B. 4)
- ❖ There is a disagreement whether this restriction applies if there is another *Bais HaKnesses* in town that has room for everyone for *davening*. (M.B. 5)
- ❖ They must first build the new wall and only then may they tear down the old wall. (M.B. 8)

Halacha Highlight

Tearing down a *Bais HaKnesses*

Shulchan Aruch Siman 152 Seif 1 (a)
אין סותרים בית הכנסת כדי לבנות בית הכנסת אחר
It is not permitted to tear down a *Bais HaKnesses* in order to build another one

Shulchan Aruch rules that it is prohibited to tear down a *Bais HaKnesses* in order to build a new *Bais HaKnesses*. The reason is out of concern that they will tear down the old *Bais HaKnesses* and then something will happen that will prevent them from constructing the new *Bais HaKnesses*. Rather, they must first construct the new *Bais HaKnesses* and only then may they tear down the old *Bais HaKnesses*. Mishnah Berurah (סק"ה) presents a disagreement between Magen Avrohom and Taz whether it is permitted to tear down an old *Bais HaKnesses* if there is a *Bais HaKnesses* in town that is large enough for everyone to *daven* so that even if the new *Bais HaKnesses* is not built they will not be left without a *Bais HaKnesses*. Taz permits tearing down the old *Bais HaKnesses* in these circumstances whereas Magen Avrohom prohibits the practice. Biur Halacha (ד"ה שלא יבנו) notes that many later authorities cite Taz's position as *halacha* and he adds that since tearing down a *Bais HaKnesses* to build another one is only Rabbinically prohibited one may follow Taz's lenient position.

Rema rules that it is even prohibited to tear down a single wall in order to make the *Bais HaKnesses* larger; rather they must first build the new wall and then it is permitted to tear down the old wall. Sefer Tzedaka U'Mishpat (פי"ג הע' כ"ד) contends that Rema's ruling is limited to where the construction would make it impossible to *daven* in the *Bais HaKnesses*. If, however, they would be able to continue to *daven* there while the construction is going on it is permitted to tear down a wall to expand the *Bais HaKnesses* even before building the new wall. The rationale is that this is no different than having another *Bais HaKnesses* where they can *daven*.

halachah in Shulchan Aruch siman 152!"
The rebbe then answered his own rhetorical question. "This is the meaning of the verse, 'Hashem has planned to destroy the wall of the daughter of Tzion; He has stretched out a line.' (Eichah 2:8) This means that from the moment that Hashem decided to destroy the beis hamikdash, He had already laid down the infrastructure of the new beis hamikdash. The beis hamikdash is only waiting for the correct time to descend—it is already built!"

Reb Mordechai then asked, "Shall we sing a niggun?" When the rebbe nodded, Reb Mordechai asked, "Which one?"

The Imrei Emes answered with feeling, "Adir Hu, yivneh beiso b'karov!"

Stories to Share

"He Has Stretched out a Line"

ש"ע, ס' קנ"א, א: "אלא בונים האחר תחילה ואח"כ סותרים הישן..."
Reb Mordechai Stelberg, a student in Yeshivas Chachmei Lublin, was very close to the Imrei Emes. Reb Mordechai once stayed at a health spa while the Gerrer Rebbe was also there. On Erev Tisha B'av, the rebbe approached him and asked if he had a siyum prepared for a seudas mitzvah after the fast. This is customary among many chassidim; it is meant to demonstrate a belief that Moshiach will certainly come and redeem us soon despite our lengthy exile.

Reb Mordechai said that he was indeed planning to make a siyum after the fast. As a talmid of Chachmei Lublin—where only those who knew at least 200 daf with Rashi and Tosafos by heart were accepted—he chose Chagigah since it was his strongest mesechta, and completed it quickly. After the fast, the Imrei Emes honored the siyum with his presence.

The two began to discuss the tractate and by the time they got around to washing for the seudah, they had already discussed the entire mesechta from beginning to end!

Shortly after they washed, the rebbe asked, "Chazal tell us that it is forbidden for one to tear down a shul until the replacement has been built. Now, how could Hashem have destroyed the beis hamikdash without building a replacement? This seems to contradict this gemara, which is the basis of the