The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, January 15, 2022 ■ י"ג שבט, תשפ"ב
סימן קנ"ב סעיף א'

Overview

Siman 152 Seif 1 (b):

The restriction against tearing down an old *Bais HaKnesses* applies when the first one was still strong but if the foundation is faulty or if the walls are about to fall it may be torn down immediately and they should quickly begin to build the new *Bais HaKnesses* during the day and night out of concern that time will become pressing and it will remain destroyed. It is prohibited to take stones from the old *Bais HaKnesses* in order to build the new *Bais HaKnesses* and it is prohibited to destroy even part of a *Bais HaKnesses* unless it is done to build.

- Rema refers to where they already began construction of the new *Bais HaKnesses* and they need some additional stones and he is teaching that even in this case it is prohibited to take stones from the old *Bais HaKnesses*. (M.B. 10)
- The prohibition is to dismantle part of the structure or to detach something attached but it is permitted to remove items from the *Bais HaKnesses*, e.g. benches, although it is not so respectful. (M.B. 11)
- Many later authorities permit making a hole in the wall of the *Bais HaKnesses* to attach something to the wall. (M.B. 12)

Stories to Share

A Rebuilt Palace

ש"ע, ס' קנ"ב, א': "סותרים אותו מיד ומתחילים לבנות במהרה ביום ובלילה"

Today's amud discusses when a shul must be torn down.

A certain community shul was slated to be destroyed and then rebuilt. As the repairs were in the final stages, the members wondered whether they needed to make a blessing of hatov v'hameitiv. It was really a compound question though: is one required to make such a blessing on the construction of a new shul, and if so, does a rebuilt shul have the same status as one that is new outright?

They posed these questions to the Halachos Ketanos who replied, "A community that has built a new shul definitely needs to make such a blessing on it. The shaliach tzibur should stand up in front of everyone and make the blessing out loud. The same certainly holds true regarding a shul that was destroyed or demolished and then rebuilt from scratch. The proof is from the Ran in Nedarim who writes that if one vowed never to enter a certain house and it subsequently collapsed and was rebuilt, he may enter the rebuilt house. This is because it is considered like an entirely new structure.

He continued, "The source for this is the midrash in Koheles Rabbah: This could be compared with to a king whose son had angered him. The king was so infuriated that he drove the boy out and swore that he would never again be allowed entry into the royal palace. What did the king do when he finally calmed down? He ordered the palace demolished and rebuilt. In this manner he was able to have his son rejoin him in the palace without violating his oath!"

שו"ת הלכות קטנות, ח"ב, ס' קע"ט

Halacha Highlight

Breaking part of the wall of a *Bais HaKnesses*

Rema Siman 152 Seif 1 (b)

אלא אם כן עושה על מנת לבנות

Unless it is done in order to build

Rema rules that it is prohibited to destroy part of a *Bais HaKnesses* unless the intent is to build in that spot. The Mishnah Berurah (ס"ק י"ב) explains that in such an instance it is not considered destroying; rather it is considered building. He then mentions that many authorities permit drilling a hole in the wall of a *Bais HaKnesses* in order to attach a *shtender* even though Taz is stringent about this matter. Taz's reasoning is based on the wording of Rema that it is only permitted if one's intent is to build and if the hole is not refilled (which would constitute rebuilding) it is not considered rebuilding. Since there are some authorities who supported Taz's stringent position, one should not drill a hole in the wall of the *Bais HaKnesses* unless it is necessary (פסקי תשובות אות י"ג).

Poskim note that if it is necessary to tear down some of the wall in order to make it easier for people to *daven* it is permitted. For example, if a *Bais HaKnesses* does not have proper ventilation, it is permitted to dismantle part of the wall in order to install a window or a skylight. Sefer Tzedaka U'Mishpat (פי"ג הע' י"א) raises the following theoretical question. A community builds their rov a home adjacent to the *Bais HaKnesses*. When he becomes old, they would like to break through the wall that connects his house to the *Bais HaKnesses* so that it should be easier for him to come for *davening*. Would this be permitted? Seemingly, it is prohibited since the breaking down of the wall does not serve those who *daven* there; it is only beneficial for the rov. He then suggests that if the people who *daven* there feel connected with the rov and his presence inspires them it could be considered a need of the *Bais HaKnesses* to make a doorway for the rov to be able to come to *davening* more often and would be permitted.