The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קנ"ג סעיף ה'

Overview

Siman 153 Seif 5:

If money was collected to construct a *Bais HaKnesses* or a *Bais HaMidrash*, or to purchase an *aron*, a Torah covering or a *sefer Torah* and they there is an interest to use the money for another purpose they may only redirect the money for a more sacred item. If they purchased the item for which the money was raised they may use the leftovers for whatever purpose they choose. If when they raise money they stipulated that they should be able to do as they want with the leftover money, even if they purchased something, sold it and then purchased another sacred item with some of the proceeds, it is permitted to use the leftover money for a less sacred item. If they did not stipulate when they first raised the money but stipulated when they sold the purchased item they may not use the left over money for a less sacred item. If they purchased with the raised money wood and stones, sanctity takes hold of these items and it is prohibited to redirect it other than for a more sacred purpose. If wood and stones were bought for the construction of a *Bais HaKnesses* and they were given to the treasurer it may only be redirected to a more sacred purpose but if the items were not given to the treasurer they may be changed, however, one may not take back the items.

- Magen Avrohom and Taz disagree whether the *gabba'im* may lend out the money that was raised to be replaced with other money. (M.B. 13)
- They may use the extra money for any communal need even if it is not sacred since the sacred intent of the donors was fulfilled. (M.B. 14)
- Elya Rabba and Gra question this ruling since it may be that the sanctity takes hold of all the money and even the leftovers retain sanctity. (M.B. 15)
- When the money is collected to construct a *Bais HaKnesses* it is prohibited to use the construction items purchased with that money for different uses. (M.B. 18)
- According to Magen Avrohom, Rema refers to where people who donated on their own rather than for a collection that was taken to construct a *Bais HaKnesses*. (M.B. 19)
- The seven trustees in the presence of the people of the city may redirect the money for other purposes. (M.B. 20)
- The money may be lent and the new money may be used in its place. (M.B. 21)

Stories to Share

Holy Stones

ש"ע, ס' קנ"ג, ה': "ואסור לשנותן רק לקדושה חמורה..."

Today's amud discusses the halachos of wood and stones purchased with tzeddakah money to build a shul.

Sometimes a shul must be torn down for a variety of reasons. One community shul needed to be rebuilt from the ground up. The congregation had another place to daven while the construction was in progress but wondered how to deal with the old stones. It just didn't seem right to throw them in the trash. After all, they had once been part of a shul—perhaps the halachah required some other solution.

When Rav Moshe Fried, shlit"a, asked this question to Rav Yosef Shalom Elyashiv, zt"l, he ruled that they should be handled with respect. "It is best to give the old stones to a different shul."

"But no one wants our old stones, since builders always use only new stones," Rav Fried interjected.

Rav Eliyashiv replied that it was still not a simple matter. "At the very least the stones should not be disgraced. If it is possible to put them in genizah, that is certainly good. If not, they should be redeemed by the people who have the halachic rights to make decisions in the community. The money should be used to purchase a sefer Torah or other shul requirements."

וישמע משה" ע' ע"ד-ע"ה

Halacha Highlight

Money a *Bais HaKnesses* receives from an insurance claim

Shulchan Aruch Siman 153 Seif 5

אבל אם לא התנו כשגבו

But if they did not stipulate when they raised the money

Shulchan Aruch discusses the issue of redirecting money that was collected to purchase a sacred item and the general rule is that it may not be redirected to use to purchase a less sacred item. If the designated sacred item was purchased and there is money that remains, that money may be used to purchase even less sacred items. If when the money was initially collected they stipulated that they should be able to do what they want with the leftover money, even if the sacred item was purchased, subsequently sold and then another sacred item was purchased with some of that money, the leftover money may be used for any communal purpose. If, however, this stipulation was not made when they first raised the money, the leftover money from the second sale may not be used for other purposes since the first item was fully sanctified and all the proceeds of that item remain sacred (מ"ב ס"ק ט"ז).

Many *Batei Knesiyos* purchase insurance policies that cover the building and all of the possessions therein. In the event that there is a fire or items are stolen and they receive money from their insurance company, that money may be used to purchase anything that serves a communal need even if it is not sacred. The reason, explains Tzitz Eliezer, (שו"ת צי"א חי"ח סי' ס"ז) is that the money that is received from the insurance company is not comparable to money received for the sale of a sacred item. Rather, the money is payment to the insured party for all of the premiums that had been paid and it is considered essentially new money. However, Sefer Tzedaka U'Mishpat (פ"ט הע' ע"ה ופי"ב הע' ג') cites authorities who express hesitation about this matter and seem to adopt the perspective that the money received from the insurance company is sacred money and should be used to purchase the sacred items that were stolen or destroyed.