

מתני' בני העיר שמכרו רחובה של עיר – לוקחין בדמיו בית הכנסת, בית הכנסת – לוקחין תיבה, תיבה – לוקחין מטפחות, מטפחות –

MISHNA Residents of a town^N who sold the town square,^N which was at times used for public prayer and therefore attained a certain degree of sanctity, may use the proceeds of the sale only to purchase something of a greater degree of sanctity.^H They may therefore **purchase a synagogue with the proceeds of the sale. If they sold a synagogue, they may purchase an ark in which to house sacred scrolls. If they sold an ark, they may purchase wrapping cloths^B for the sacred scrolls. If they sold wrapping cloths,**

NOTES

Residents of a town – בני העיר: While in the standard version of the Babylonian Talmud this chapter appears as the fourth and final chapter in the tractate, in the Mishna and in the Jerusalem Talmud it appears at the third chapter of the tractate. Furthermore, many of the early commentaries appear to have that order in their versions of the Babylonian Talmud. See *Tosefot Yom Tov*, who explains the ordering of the chapters.

Who sold the town square – שמכרו רחובה של עיר: The mishna discusses a case in which the items of sanctity had already been sold. The commentaries discuss whether such a sale is permitted *ab initio*. Furthermore, the mishna mentions only that it is permitted to purchase an item of greater sanctity. The commentaries debate whether it is also permitted to purchase an item of equal sanctity if one wishes to replace an old item (see Rashba, Ra'avad, and *Rishon LeTziyyon*).

HALAKHA

Selling sacred items – מכירת תשמישי קדושה: When selling sacred items, the proceeds may be used only to purchase other items of a greater degree of sanctity. Therefore, residents of a town who sold a synagogue are permitted to purchase an ark or the table on which the Torah is placed. Similarly, if they sold an ark, they may use the proceeds to purchase wrapping cloths for the Torah (*Shulhan Arukh, Orah Hayyim* 153:2).

BACKGROUND

Wrapping cloths – מטפחות: It would appear that in the period of the Mishna, scrolls of the Torah and other sacred texts were not covered in mantles, as is the Ashkenazic custom today. Rather, they were wrapped in pieces of cloth, which the mishna refers to as wrapping cloths. Alternatively, the wrapping cloths mentioned were attached to the back of scrolls in order to protect them from any damage or wear.

יקחו ספרים, ספרים – לוקחין תורה. אבל אם מכרו תורה – לא יקחו ספרים, ספרים – לא יקחו מטפחות, מטפחות – לא יקחו בית הכנסת, תיבה – לא יקחו בית הכנסת, בית הכנסת – לא יקחו את הרחוב.

they may purchase scrolls^N of the Prophets and the Writings. If they sold scrolls of the Prophets and Writings, they may purchase a Torah scroll.

However, the proceeds of a sale of a sacred item may not be used to purchase an item of a lesser degree of sanctity. Therefore, **if they sold a Torah scroll, they may not use the proceeds to purchase scrolls of the Prophets and the Writings. If they sold scrolls of the Prophets and the Writings, they may not purchase wrapping cloths. If they sold wrapping cloths, they may not purchase an ark. If they sold an ark, they may not purchase a synagogue. If they sold a synagogue, they may not purchase a town square.**

And similarly, the same limitation applies to any surplus funds from the sale of sacred items, i.e., if after selling an item and purchasing something of a greater degree of sanctity there remain additional, unused funds, the leftover funds are subject to the same principle and may be used to purchase only something of a degree of sanctity greater than that of the original item.^H

HALAKHA

Selling sacred items – מכירת תשמישי קדושה: If the wrapping cloths of scrolls were sold, the proceeds may be used to purchase scrolls of individual books of the Torah, scrolls of the Prophets, or scrolls of the Writings. Whether there is a distinction between different types of scrolls is a matter of debate: Some suggest that a scroll of an individual book of the Torah has a greater degree of sanctity than a scroll of the Prophets or the Writings (*Magen Avraham*). Others assert that scrolls of all sacred books have the same degree of sanctity, apart from a scroll of the entire Torah (*Hatam Sofer*). Some suggest further

that if the texts are printed together in a book then all authorities would agree that they will all have the same degree of sanctity, even if one of them is an individual book of the Torah and the other is a book of the Prophets or the Writings (*Arukh HaShulhan*). If the scrolls are sold, the only item that may be purchased with the proceeds is a scroll of the entire Torah. In the event that after the purchase there are still surplus funds, they should also be used to purchase only items of greater sanctity than the original one (*Shulhan Arukh, Orah Hayyim* 153:2).

NOTES

Scrolls – ספרים: Some explain that the reference is to scrolls of the Prophets and the Writings (Rashi). Others suggest that the term includes other sacred texts, such as scrolls of the Mishna (Meiri). A third opinion maintains that the reference is to scrolls of the individual books of the Torah. Since they only contained a single book, they had a lesser degree of sanctity than an entire Torah scroll (Rambam).

The town square – רחובות של עיר – Although prayers are held in the town square on public fast days, town squares do not have any sanctity. This is in accordance with the opinion of the Rabbis. Likewise, houses in which prayers are held irregularly have no sanctity; the same is true for a place where there are regular prayers but its main purpose is for other uses (*Mishna Berura*). Some say that even an ark is endowed with sanctity only if its purpose is to provide an honored place in which to house the Torah scroll; however if it is used only to protect the scroll, it is not considered a sacred item (*Shulhan Arukh, Oraḥ Hayyim* 154:1, 3, and in the comment of Rema).

Selling a synagogue – מכירת בית כנסת – It is permitted to sell the synagogue only of a village, since it is built exclusively for the local residents. This is true even if it was built with funds brought from outside the village (Rema). Similarly, a synagogue built by a group of individuals to be used exclusively by them may be sold by that group, even if it is located in a city. However, a synagogue built in a city for public use, even if it was funded exclusively by the residents, may be sold only if there is already another synagogue available (*Taz*), or if it has already fallen into disuse (*Magen Avraham*, citing Mabit). Even with regard to a synagogue in a city, if there is an individual with the sole authority to make decisions about it, he is also allowed to sell it. This ruling is in accordance with the opinion of Rav Ashi (*Shulhan Arukh, Oraḥ Hayyim* 153:7).

LANGUAGE

Bronze workers [*tursiyyim*] – טורסיים – Some suggest that the word is derived from *Tarsoṣ*; *Tarsus*, the name of the historic city of Tarsus. The city was a major center of trade and its residents were craftsmen. The term was then borrowed to refer to other craftsmen, such as weavers. Alternatively, it is possible that the word is from the Greek *τορευτής*, *toρευtēs*, which means a craft that uses metal. In this vein, Rashi explains that it refers to bronze workers.

גמ' בני העיר שמכרו רחובות של עיר. אמר רבא בר בר חנה אמר רבי יוחנן: זו דברי רבי מנחם בר יוסי סתומתאה, אבל חכמים אומרים: הרחוב אין בו משום קדושה.

ורבי מנחם בר יוסי מאי טעמיה? האיל והעם מתפללין בו בתעניות ובמעמדות. ורבנן: ההוא אקראי בעלמא.

"בית הכנסת לוקחין תיבה": אמר רבי שמואל בר נחמני אמר רבי יונתן: לא שנו אלא בית הכנסת של כפרים, אבל בית הכנסת של כרובין, כיון דמעלמא אתו ליה – לא מצו מוזבני ליה, דהוה ליה דרבים.

אמר רב אשי: האי בי כנישתא דמתא מחסיא. אף על גב דמעלמא אתו לה, כיון דאדעתא דידי קאתו – אי בעינא מוזבנינא לה.

מיתבי, אמר רבי יהודה: מעשה בבית הכנסת של טורסיים שהיה בירושלים שמכרוהו לרבי אליעזר, ועשה בה כל צרכיו. והא התם דכרבים הוה! והיא בי כנישתא זוטי הוה, ואינה עבדוה.

GEMARA The mishna states: Residents of a town who sold the town square^H may purchase a synagogue with the proceeds. Concerning this mishna, Rabba bar bar Hana said that Rabbi Yohanan said: This is the statement of Rabbi Menahem bar Yosei, cited unattributed.^N However, the Rabbis say: The town square does not have any sanctity. Therefore, if it is sold, the residents may use the money from the sale for any purpose.

And Rabbi Menahem bar Yosei, what is his reason for claiming that the town square has sanctity? Since the people pray in the town square on communal fast days and on non-priestly watches,^N it is defined as a place of prayer and as such has sanctity. And the Rabbis, why do they disagree? They maintain that use of the town square is merely an irregular occurrence. Consequently, the town square is not to be defined as a place of prayer, and so it has no sanctity.

§ The mishna states: If they sold a synagogue, they may purchase an ark.^H The Gemara cites a qualification to this *halakha*: Rabbi Shmuel bar Nahmani said that Rabbi Yohanan said: They taught this only with regard to a synagogue of a village, which is considered the property of the residents of that village. However, with regard to a synagogue of a city,^N since people come to it from the outside world, the residents of the city are not able to sell it, because it is considered to be the property of the public at large and does not belong exclusively to the residents of the city.

Rav Ashi said: This synagogue of Mata Meḥasya,^N although people from the outside world come to it, since they come at my discretion, as I established it, and everything is done there in accordance with my directives, if I wish, I can sell it.

The Gemara raises an objection to Rabbi Shmuel bar Nahmani's statement, from a *baraita*: Rabbi Yehuda said: There was an incident involving a synagogue of bronze workers [*tursiyyim*]¹ that was in Jerusalem, which they sold to Rabbi Eliezer, and he used it for all his own needs. The Gemara asks: But wasn't the synagogue there one of cities, as Jerusalem is certainly classified as a city; why were they permitted to sell it? The Gemara explains: That one was a small synagogue, and it was the bronze workers themselves who built it. Therefore, it was considered exclusively theirs, and they were permitted to sell it.

NOTES

This is the statement of Rabbi Menahem bar Yosei, cited unattributed – רבא בר בר חנה אמר רבי יוחנן: זו דברי רבי מנחם בר יוסי סתומתאה – Generally, the *halakha* is in accordance with unattributed *mishnayot*. However, in certain cases the Gemara identifies an unattributed mishna as being in accordance with a minority opinion. In such a case, the *halakha* often follows the majority opinion that opposes the opinion in the mishna (see *Rishon LeTziyyon*, Rid, and *Sefat Emet*).

On fast days and on non-priestly watches – בתעניות ובמעמדות – Many note that normally the non-priestly watches would meet and pray in the synagogue and not in the town square. Therefore, mention of the town square as a place for prayer is imprecise (Rid). However, others suggest that at times, if the synagogue was unable to contain such a large congregation, even the prayers of the non-priestly watches would be held in the town square (Meiri; see Rashi).

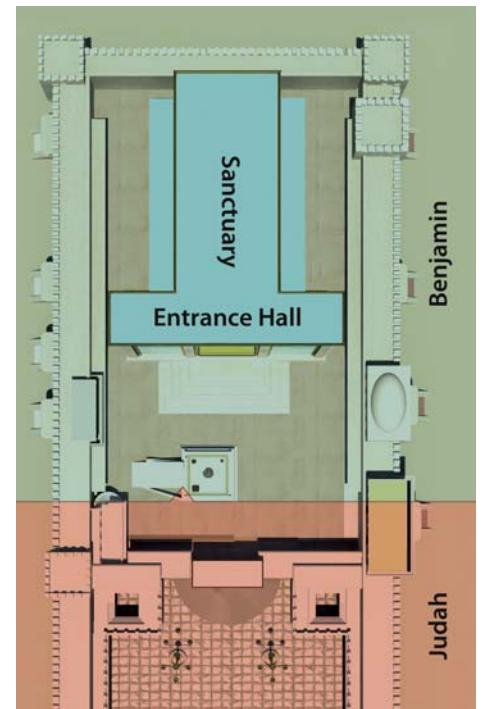
אבל בית הכנסת של כרובין – Why is it prohibited to sell such a synagogue? Some suggest, and it is similarly explained in the Jerusalem Talmud, that since the wider public would use the synagogue, they would also financially contribute to its upkeep. Consequently, they shared monetary ownership of the synagogue. Since all of an item's owners must agree to its sale for the sale to be valid, the residents of the city did not have the right to unilaterally sell the synagogue. Others suggest that the issue is not the monetary ownership of the wider public. Rather, since the synagogue was dedicated to the use of the wider public, its sanctity could not be removed by the decision of the city's residents alone (Rambam; see Rashba).

Mata Meḥasya – מתא מחסיא – Mata Meḥasya was merely a village that was situated near the city of Sura. The village did not have particular significance and was not generally visited by the wider public until Rav Ashi settled there, at which point, due to his fame, it became a major center (Rabbeinu Yehonatan).

Leprosy of houses – נִגְעֵי בָּתִּים: By Torah law (Leviticus 14:33–57), if leprous spots appear in a house, all the objects in the house must be removed in order to prevent them from becoming ritually impure in the event that the house is declared leprous. A priest is then brought to examine the house. If he confirms that the spots are leprous, the house is left uninhabited for a week, after which it is reexamined. If the leprous spots darken or disappear, the house is declared ritually pure. If the spots are unchanged, the house is isolated for a second week, after which it is reexamined. If by that point the spots have darkened, the house is declared ritually impure and must undergo a purification process involving birds, cedar wood, and red thread, much parallel to the purification process through which a leprous person is purified. If, however, the spots remained unchanged, the affected parts of the house are removed and replaced with new construction materials, after which the house is isolated a third time. If the spots reappear, the entire house must be destroyed, and its stones are disposed of in a ritually impure place.

There are many halakhic restrictions on the applicability of the laws pertaining to leprosy of houses, including limiting its application in Jerusalem.

The apportionment of Jerusalem to the tribes – חֶלְקַת יְרוּשָׁלַיִם לְשִׁבְטֵים: The image depicts the area of the Temple as it was divided between the tribes of Benjamin and Judah. Rashi and other commentaries explain that only a small portion of the altar was within the portion of Judah, while the majority of the altar was in the portion of Benjamin.



Temple divided between Benjamin and Judah

LANGUAGE

Host [ushpizekhan] – אוֹשְׁפִּיזְכָן: From the Latin hospes, meaning hospital, or the Middle Persian aspinj, meaning hospital or inn.

מִיתִיבִי: "בְּבֵית אֶרֶץ אַחֲזֹתְכֶם" – אַחֲזֹתְכֶם מִיִּטְמָא בְּנִגְעִים, וְאִין יְרוּשָׁלַיִם מִיִּטְמָא בְּנִגְעִים. אָמַר רַבִּי יְהוּדָה: אֲנִי לֹא שָׁמַעְתִּי אֶלָּא מְקוֹם מְקֻדָּשׁ בְּלִבָּד.

The Gemara raises an objection from another *baraita*: The verse states with regard to leprosy of houses:⁸ "And I put the plague of leprosy in a house of the land of your possession" (Leviticus 14:34), from which it may be inferred: "Your possession," i.e., a privately owned house, can become ritually impure with leprosy,⁹ but a house in Jerusalem cannot become ritually impure with leprosy, as property there belongs collectively to the Jewish people and is not privately owned. **Rabbi Yehuda said: I heard this distinction stated only with regard to the site of the Temple alone**, but not with regard to the entire city of Jerusalem.

הָא בֵּיתֵי כְּנִסְיֹת וּבֵיתֵי מִדְּרָשׁוֹת מִיִּטְמָאִין, אִמָּאִי? הָא דְּכַרְבִּין הוּא! אִמָּא: אָמַר רַבִּי יְהוּדָה: אֲנִי לֹא שָׁמַעְתִּי אֶלָּא מְקוֹם מְקֻדָּשׁ בְּלִבָּד.

The Gemara explains: From Rabbi Yehuda's statement, it is apparent that only the site of the Temple cannot become ritually impure, but synagogues and study halls in Jerusalem can become ritually impure. Why should this be true given that they are owned by the city? The Gemara answers: Emend the *baraita* and say as follows: **Rabbi Yehuda said: I heard this distinction stated only with regard to a sacred site,**¹⁰ which includes the Temple, synagogues, and study halls.

בְּמָאי קָמִיפְלִגִי? תַּנָּא קָמָא סָבַר: לֹא נִתְחַלְקָה יְרוּשָׁלַיִם לְשִׁבְטֵים, וְרַבִּי יְהוּדָה סָבַר: נִתְחַלְקָה יְרוּשָׁלַיִם לְשִׁבְטֵים.

With regard to what principle do the first *tanna* and Rabbi Yehuda disagree? The first *tanna* holds that Jerusalem was not apportioned to the tribes,¹¹ i.e., it was never assigned to any particular tribe, but rather it belongs collectively to the entire nation. **And Rabbi Yehuda holds: Jerusalem was apportioned to the tribes**, and it is only the site of the Temple itself that belongs collectively to the entire nation.

וּבְפִלְגֵיתָא דְּהַמִּי תַנָּאִי,

The Gemara notes: They each follow a different opinion in the dispute between these *tanna'im*:

דְּתַנָּא: מַה הִיָּה בְּחֻלְקוֹ שֶׁל יְהוּדָה – הָר הַבַּיִת, הַלְשָׁכוֹת וְהַעֲזָרוֹת. וּמַה הִיָּה בְּחֻלְקוֹ שֶׁל בְּנִמִּין – אוֹלָם וְהֵיכַל וּבֵית קֹדֶשׁ הַקְּדוּשִׁים.

One *tanna* holds that Jerusalem was apportioned to the tribes, as it is taught in a *baraita*: What part of the Temple was in the tribal portion of Judah? The Temple mount, the Temple chambers, and the Temple courtyards. And what was in the tribal portion of Benjamin? The Entrance Hall, the Sanctuary, and the Holy of Holies.¹²

וְרִצְעָה הִיָּתָה יוֹצֵאת מִחֻלְקוֹ שֶׁל יְהוּדָה וְנִכְנְסַת בְּחֻלְקוֹ שֶׁל בְּנִמִּין, וּבָהּ מִזְבֵּחַ בְּנוִי, וְהִיָּה בְּנִמִּין הַעֲדִיק מִצְטַעַר עָלֶיהָ בְּכָל יוֹם לְבֹלְעָהּ, שְׁנֹאמַר "חֹזֵף עָלָיו כָּל הַיּוֹם", לְפִיכָךְ זָכָה בְּנִמִּין וְנִעֲשָׂה אוֹשְׁפִּיזְכָן לְשִׁבְטֵיהָ.

And a strip of land issued forth from the portion of Judah and entered into the portion of Benjamin, and upon that strip the altar was built, and the tribe of Benjamin, the righteous, would agonize over it every day desiring to absorb it into its portion, due to its unique sanctity, as it is stated in Moses' blessing to Benjamin: "He covers it throughout the day, and he dwells between his shoulders" (Deuteronomy 33:12). The phrase "covers it" is understood to mean that Benjamin is continually focused upon that site. Therefore, Benjamin was privileged by becoming the host [ushpizekhan]¹³ of the Divine Presence, as the Holy of Holies was built in his portion.

HALAKHA

Your possession can become ritually impure with leprosy – אַחֲזֹתְכֶם מִיִּטְמָא בְּנִגְעִים: Leprosy of houses applies only in territory in Eretz Yisrael that was apportioned to one of the tribes. As such, houses outside of Eretz Yisrael and houses in Jerusalem, which was never apportioned to any specific tribe, can never become ritually impure with leprosy (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 14:11).

NOTES

Only with regard to a sacred site – מְקוֹם מְקֻדָּשׁ בְּלִבָּד: Rashi explains that all sacred sites are considered to be consecrated to God. As such, even if a sacred site is privately owned, it does not fully match the Torah's prescription that only "a house that is his" (Leviticus 14:35) can become ritually impure with leprosy of houses. *Turei Even* notes that the Gemara in tractate *Yoma* explains that according to all opinions, the site of the Temple was bought with funds collected from all the tribes, and therefore it was certainly not considered to be privately owned.

לֹא נִתְחַלְקָה – יְרוּשָׁלַיִם לְשִׁבְטֵים: The book of Joshua states that the city of Jerusalem was given to the tribe of Benjamin. According to the opinion that Jerusalem was not apportioned, the reference in the book of Joshua must be referring only to the outskirts of the city, whereas the city proper was never given to one tribe. Alternatively, the city was initially allotted to the tribe of Benjamin, but later Jericho was given to them in exchange for Jerusalem. From that point it became a nationally owned city.

השְׂכֵרֵת בְּתַיִם – רִנְתוּלָהּ יְרוּשָׁלַיִם
 Renting out houses in Jerusalem – בְּיִרוּשָׁלַיִם: Houses may not be rented out in Jerusalem, because Jerusalem was not apportioned to the tribes and consequently the houses there do not belong to those who ostensibly possess them. Some claim that this applies only to renting houses to pilgrims ascending to Jerusalem on the pilgrimage Festivals (Rashi). However the Rambam implies that the prohibition applies in all cases. Some of the early authorities note that this *halakha* is no longer practiced (Kaftor VaFerah; Rambam *Sefer Avoda, Hilkhot Beit HaBehira* 7:14).

שִׁבְעָה – טוֹבֵי הָעִיר
 The seven representatives of the town – טוֹבֵי הָעִיר: When a synagogue is sold by the residents of the town, the proceeds retain the sanctity of the synagogue. However, if it is sold by the seven representatives of the town in an assembly of the residents of the town, for which it is sufficient that the sale be fully publicized even if not all of the residents are physically present at the time of the sale (Rema), or if an individual is given the authority to perform the sale in the residents' name, then the proceeds do not have any sanctity and the community may use them for any purpose. Likewise, the place itself does not retain any sanctity and may be used for any purpose. This ruling is in accordance with the opinion of Rava (*Shulhan Arukh, Orah Hayyim* 153:7).

NOTES

שִׁבְעָה טוֹבֵי – הָעִיר
 The seven representatives of the town – הָעִיר: The Meiri explains that these seven men were not appointed by the residents. Rather, they were the seven people who generally ran the town's affairs. He adds, however, that if the residents were to appoint even a single individual to be their representative to make the sale, he would have the full authority to do so, just like the seven representatives.

וְהָאֵי תַנָּא סָבַר: לֹא נִתְחַלְקָה יְרוּשָׁלַיִם
 לְשִׁבְטִים. דִּתְנָא: אֵין מְשֻׁבְרִים בְּתַיִם
 בְּיִרוּשָׁלַיִם, מִפְּנֵי שְׂאִינְן שְׁלֵהֵן. רַבִּי אֶלְעָזָר
 (בְּרַ צְדוּק) אָמַר: אִף לֹא מְטוֹת. לְפִיכָךְ עוֹרוֹת
 קְדָשִׁים בְּעַלְי אִוְשְׁפִיזִין נוֹטְלִין אוֹתָן בְּרוּעָה.

אָמַר אַבְיִי: שְׁמַע מִינָהּ אוֹרַח אֶרְעָא לְמִישְׁבֵּק
 אֵינִישׁ גּוֹלְפָא וּמְשַׁבָּא בְּאוֹשְׁפִיזִיהָ.

אָמַר רַבָּא לֹא שָׁנוּ אֶלְאָ שְׁלָא מְכָרוּ שִׁבְעָה
 טוֹבֵי הָעִיר בְּמַעֲמַד אֲנָשֵׁי הָעִיר אֲבָל מְכָרוּ
 שִׁבְעָה טוֹבֵי הָעִיר בְּמַעֲמַד אֲנָשֵׁי הָעִיר –
 אֲפִילוּ

And this other *tanna* holds that Jerusalem was not apportioned to the tribes, as it is taught in a *baraita*: One may not rent out houses in Jerusalem,^h due to the fact that the houses do not belong to those occupying them. Rather, as is true for the entire city, they are owned collectively by the nation. Rabbi Elazar bar Tzadok says: Even beds may not be hired out. Therefore, in the case of the hides of the renter's offerings that the innkeepers take in lieu of payment, the innkeepers are considered to be taking them by force, as they did not have a right to demand payment.

Apropos the topic of inns, the Gemara reports: Abaye said: Learn from this *baraita* that it is proper etiquette for a person to leave his wine flask and the hide of the animal that he slaughtered at his inn, i.e., the inn where he stayed, as a gift for the service he received.

§ The Gemara returns its discussion of the mishna: Rava said: They taught that there is a limitation on what may be purchased with the proceeds of the sale of a synagogue only when the seven representatives of the town^{HN} who were appointed to administer the town's affairs had not sold the synagogue in an assembly of the residents of the town. However, if the seven representatives of the town had sold it in an assembly of the residents of the town, then even

Perek IV
 Daf 26 Amud b

לְמִישְׁתָּא בֵּיה שִׁיכְרָא שְׁפִיר דְּמִי.

רַבִּינָא הָוָה לִיה הָהוּא תִּילָא דְּבִי כְּנִישְׁתָּא
 אֲתָא לְקַמֵּיה דְּרַב אֲשִׁי, אָמַר לִיה: מַהוּ
 לְמִיזְרָעָה? אָמַר לִיה: זֵיל וּבְנֵיה מְשַׁבְעָה טוֹבֵי
 הָעִיר בְּמַעֲמַד אֲנָשֵׁי הָעִיר, וּזְרָעָה.

to drink beer with the proceeds^N seems well and is permitted. The seven representatives have the authority to annul the sanctity of the synagogue, and therefore the proceeds of its sale do not retain any sanctity.

The Gemara relates: Ravina had a certain piece of land on which stood a mound of the ruins of a synagogue.^N He came before Rav Ashi and said to him: What is the *halakha* with regard to sowing the land? He said to him: Go, purchase it from the seven representatives of the town in an assembly of the residents of the town, and then you may sow it.

NOTES

To drink beer with the proceeds – לְמִישְׁתָּא בֵּיה שִׁיכְרָא: Some explain that this means to drink beer with it, i.e., the proceeds can even be used to purchase beer (Rabbeinu Hananel; Rashi). Others explain that the intention is to drink beer in it, i.e., the synagogue building itself may be used for any purpose, even as a tavern (see Rabbeinu Yehonatan and Ran).

Ravina had a certain mound of the ruins of a synagogue – רַבִּינָא: Some explain that the property belonged to Ravina, and he originally thought that in order to

remove its sanctity it was sufficient to redeem it with money equal to the value of the synagogue ruins. Rav Ashi therefore told him that this could be achieved only by completing the sale before the seven representatives of the town (Ramban). Others explain that Ravina was concerned that the residents of the town would not direct the funds they received for the synagogue appropriately, and as such the sanctity would not transfer from the synagogue (Ra'avad). Alternatively, he thought that as long as a new item is not bought with the funds, the sanctity of the synagogue is retained (Ran).

Demolishing a synagogue – קְטִירַת בַּיִת כְּנֶסֶת: A synagogue may not be demolished, even if one intends to build another one. Some prohibit this even when there are two synagogues in the city (*Magen Avraham*), while others are lenient in such a case (*Taz*). The majority of authorities follow this leniency (*Arukh HaShulhan*). In cases where it is prohibited, one must first build the new synagogue and only then may the old one be demolished. This is also the custom when a wall in a synagogue is to be moved.

All this applies only in a case where there is no concern that the synagogue may collapse. If there is such a concern, it should be demolished immediately and the rebuilding done rapidly through day and night. It is prohibited even to remove stones from an existing synagogue in order to build a new one. In general, it is prohibited to demolish any part of a synagogue unless one does so for the sake of improving that synagogue (*Shulhan Arukh, Oraḥ Hayyim 152:1*, and in the comment of Rema).

הַעֲבֵרַת בְּעִלוֹת עַל – Transferring ownership of a synagogue – בַּיִת כְּנֶסֶת: It is permitted to transfer the ownership of a synagogue or its wood and stones either by sale, exchange, or gift. Some say this may be done only by the representatives of the town in an assembly of the residents of the town (*Magen Avraham*, citing Rif and Rosh). Others, permit the transfer of ownership even if it is not done in front of all the residents of the town (*Peri Megadim* and *Mishna Berura*, citing Ramban and Rashba). These halakhot apply in villages but not in cities (*Magen Avraham*).

It is prohibited to mortgage, rent out, or lend a synagogue, as in such cases its sanctity does not transfer to anything else. However, it is permitted to lend a Torah scroll to another for the purpose of reading it, and one may lend a synagogue to be used for prayer. This is true even in the case of lending a synagogue that belongs to the public to an individual, because it retains its original sanctity (*Shulhan Arukh, Oraḥ Hayyim 153:11*, and in the comment of Rema).

רמי בר אבא היה בונה בית כנסת. היה רב חסדא. דאמר רב חסדא: לא ליתא בית כנסת עד דבני בני כנישתא אחריתי, התם – משום פשיעותא. בי האי גוונא מאי? אתא לקמיה דרב פפא – ואסר ליה, לקמיה דרב הונא – ואסר ליה.

Rami bar Abba was once building a synagogue. There was a certain old synagogue that he wished to demolish, and bring bricks and beams from it, and bring them to there, to construct a new synagogue. He sat and considered that which Rav Hisda said, as Rav Hisda said: **One should not demolish a synagogue until one has built another synagogue.** Rami bar Abba reasoned that Rav Hisda's ruling there is due to a concern of negligence, as perhaps after the first synagogue is demolished, people will be negligent and a new one will never be built. However, in a case like this, where the new synagogue is to be built directly from the materials of the old one, what is the *halakha*? He came before Rav Pappa to ask his opinion, and he prohibited him from doing so. He then came before Rav Huna, and he also prohibited him from doing so.^h

אמר רבא: האי בי כנישתא, חלופה וזבונה – שרי, אוגורה ומשכונה – אסור. מאי טעמא – בקדושתה קאי.

Rava said: With regard to this synagogue, exchanging it for a different building or selling it for money is permitted,^h but renting it out or mortgaging it is prohibited. What is the reason for this? When a synagogue is rented out or mortgaged, it remains in its sacred state. Therefore, it is prohibited to rent it out or mortgage it, because it will then be used for a non-sacred purpose. However, if it is exchanged or sold, its sanctity is transferred to the other building or to the proceeds of the sale, and therefore the old synagogue building may be used for any purpose.

ליבני נמי, חלופינהו וזבוינהו – שרי, אוזופינהו – אסור. הני מילי – בעתיקתא, אבל בחדתא – לית לן בה.

The same *halakha* is also true of the bricks of a synagogue; exchanging them or selling them is permitted, but renting them out is prohibited.ⁿ The Gemara comments: **This applies to old bricks that have already been part of a synagogue, but as for new bricks that have only been designated to be used in a synagogue, we have no problem with it if they are rented out for a non-sacred purpose.**

ואפילו למאן דאמר הזמנה מילתא היא – הני מילי בגון האורג בגד למת, אבל הכא כטווי לאריג דמי, וליכא למאן דאמר.

And even according to the one who said that mere designation is significant, i.e., although a certain object was not yet used for the designated purpose, the halakhic ramifications of using it for that purpose already take hold, **this applies only in a case where it was created from the outset for that purpose, for example, one who weaves a garment to be used as shrouds for a corpse. However, here the bricks are comparable to already spun thread that was then designated to be used to weave burial shrouds. Concerning such designation, where nothing was specifically created for the designated purpose, there is no one who said that the designation is significant.**

מתנה, פליגי בה רב אחא ורבנא, חד אסר וחד שרי. מאן דאסר בהאי תפקע קדושתה? ומאן דשרי: אי לאו דהוה ליה הנאה מיניה – לא הוה יהיב ליה, הדר הוה ליה מתנה בזביני.

Rav Aḥa and Ravina disagree about whether it is permitted to give away a synagogue as a gift to then be used for a non-sacred purpose. **One of them prohibited it, and the other one permitted it. The one who prohibits it says:** Is it possible that with this act of giving alone its sanctity is removed? This cannot be the case. Since the synagogue was not exchanged for anything else, there is nothing to which the sanctity may be transferred. Consequently, the synagogue remains sacred. **And the one who permitted it does so because he reasons that if the donor did not receive any benefit from giving the synagogue, he would not have given it. Therefore, the gift has reverted to being like a sale, and the sanctity is transferred to the benefit received.**

NOTES

The sanctity of a synagogue – קְדוּשַׁת בַּיִת הַכְּנֶסֶת: The Ramban discusses at length the nature of the sanctity of the synagogue and how it may be removed or redeemed. His conclusion is that a synagogue does not have intrinsic sanctity akin to articles used for items of sanctity, such as the

wrapping cloths of a Torah scroll. Rather, its sanctity is akin to that of articles used in the fulfillment of a mitzva, such as a *lulav*, since the building is used to pray inside it. Therefore, when a synagogue falls into disuse, it does not truly retain any sanctity.

Articles used in the performance of a mitzva – תשמישי מצוה: Articles that were used in the performance of a mitzva but are no longer needed, such as the strings of ritual fringes that were ripped, do not need to be interred, and it is permitted to dispose of them. Nevertheless, it is fitting to treat them with respect, and one who takes upon himself to store them will receive a blessing (Rema). It is preferable to use them for a different mitzva (*Magen Avraham; Taz*). This is the custom also for the roofing of the *sukka* and other objects that are used to perform mitzvot (*Taz; Shulhan Arukh, Orah Hayyim 21:1*).

Articles of sanctity – תשמישי קדושה: Articles of sanctity have inherent sanctity and therefore should not be disposed of; rather they must be interred. This includes items such as a Torah scroll; *mezuzot*; straps of the phylacteries; an ark; a lectern on which the Torah scroll is directly placed and read; and in certain cases, the curtain of an ark. A curtain of an ark only has sanctity if the Torah scroll is sometimes placed directly upon it (*Magen Avraham*). Therefore, nowadays, when Torah scrolls are never placed directly on the curtain, they are not considered articles of sanctity (*Taz*). Only items that have God's name written on them, or that directly serve such an item, whether functionally or by giving honor to them, are classified as articles of sanctity. However, an item that serves only to protect an article of sanctity is not considered an article of sanctity and is referred to as an article of an article of sanctity (*Shulhan Arukh, Orah Hayyim 154:3*).

Changing the use of articles of sanctity – שינוי תשמישי קדושה: An ark may not be made into a lectern for reading from the Torah. However, a small ark may be constructed from a larger one, and a small lectern may be made from a larger one. It is permitted to make a small wrapping cloth for a Torah scroll from a larger one, but it is not permitted to make it into a wrapping cloth that will be used for the scroll of an individual book of the Torah. The curtain of the ark has the sanctity of the synagogue, not the sanctity of the ark. The pointer that is used to show the place that is being read is considered an article of sanctity, since it is customarily placed on the Torah scroll for the splendor of the Torah (*Magen Avraham; Shulhan Arukh, Yoreh De'a 282:13*).

A wooden utensil that is designated to rest – כלי עץ העשוי לנחת: A wooden utensil that is made to remain unmoved in one set place is not susceptible to ritual impurity (Rambam *Sefer Tahara, Hilkhot Kelim 3:1*).

Serves as a barrier to prevent ritual impurity from spreading – חוצץ בגני הטומאה: A large wooden utensil, more than four *se'a*, that is not moved when it is both empty and full is not susceptible to ritual impurity. Therefore, it is an effective barrier to prevent ritual impurity from spreading (Rambam *Sefer Tahara, Hilkhot Tumat Met 13:3*).

NOTES

Articles used in the performance of a mitzva may be thrown out after use – תשמישי מצוה נזרקין: The *She'iltot* writes that articles used in the performance of a mitzva are considered dedicated to that mitzva until they are destroyed. Therefore, one is not allowed to throw them out or use them for any other purpose. Rather, they must be burned. This is indeed the custom with the remainders of the wicks used to light the Hanukkah lamps.

A wooden utensil that is designated to rest – כלי עץ העשוי לנחת: A wooden utensil is susceptible to ritual impurity only if it can be moved both when filled and when empty. A very large utensil that can be moved only when it is empty is not considered a utensil and is not susceptible to ritual impurity.

תנו רבנן: תשמישי מצוה – נזרקין, תשמישי קדושה – נגנזין. ואלו הן תשמישי מצוה: סוכה, לולב, שופר, ציצית. ואלו הן תשמישי קדושה: דלוסקמי ספרים, תפילין ומזוזות, ותיק של ספר תורה, ונרתיק של תפילין ורצועותיהן.

אמר רבא: מריש הוה אמינא האי בורסא תשמיש דתשמיש הוא, ושרי. בין דחוינא דמותבי עליה ספר תורה, אמינא: תשמיש קדושה הוא, ואסור.

ואמר רבא: מריש הוה אמינא האי פריסא תשמיש דתשמיש הוא, בין דחוינא דעיפי ליה ומנחי סיפרא עליה אמינא: תשמיש קדושה הוא, ואסור.

ואמר רבא: האי תיבותא דאיירפט, מייעבדה תיבה וטרתי – שרי, בורסיא – אסור. ואמר רבא: האי פריסא דבלה, למיעבדיה פריסא לספרי – שרי, לחומשין – אסור.

ואמר רבא: הני זבילי דחומשי, וקמטרי דספרי – תשמיש קדושה נינהו, ונגנזין. פשיטא! מהו דתימא: הני לאו לכבוד עבידו, לנטורי בעלמא עבידי, קא משמע לן.

ההוא בי כנישתא דיהודאי רומאי דהוה פתיח להוהו אידרונא, דהוה מחית ביה מת, והוה בעו בהני למיעל לעלויי התם. אתו אמרו ליה לרבא, אמר להו: דלו תיבותא, אותבוקה, דהוה ליה כלי עץ העשוי לנחת, וכלי עץ העשוי לנחת – אינו מקבל טומאה, וחוצץ בפני הטומאה.

S The Sages taught in a *baraita*: Articles used in the performance of a mitzva^H may be thrown out after use.^N Although these items were used in the performance of a mitzva, they are not thereby sanctified. However, articles associated with the sanctity of God's name,^H i.e. articles on which God's name is written, and articles that serve an article that has God's name written on it, even after they are no longer used, must be interred in a respectful manner. And these items are considered articles of a mitzva: A *sukka*; a *lulav*; a *shofar*; and ritual fringes. And these items are considered articles of sanctity: Cases of scrolls, i.e. of Torah scrolls; phylacteries; and *mezuzot*; and a container for a Torah scroll; and a cover for phylacteries; and their straps.

Rava said: Initially, I used to say that this lectern in the synagogue upon which the Torah is read is only an article of an article of sanctity, as the Torah scroll does not rest directly upon the lectern but rather upon the cloth that covers it. And the *halakha* is that once an article of an article of sanctity is no longer used, it is permitted to throw it out. However, once I saw that the Torah scroll is sometimes placed directly upon the lectern without an intervening cloth. I said that it is an article used directly for items of sanctity, and as such it is prohibited to simply discard it after use.

And Rava similarly said: Initially, I used to say that this curtain, which is placed at the opening to the ark as a decoration, is only an article of an article of sanctity, as it serves to beautify the ark but is not directly used for the Torah scroll. However, once I saw that sometimes the curtain is folded over and a Torah scroll is placed upon it. I said that it is an article used directly for items of sanctity and as such it is prohibited to simply discard it after use.

And Rava further said: With regard to this ark that has fallen apart, constructing a smaller ark from its materials is permitted, as both have the same level of sanctity, but to use the materials to construct a lectern is prohibited because the lectern has a lesser degree of sanctity. And Rava similarly said: With regard to this curtain used to decorate an ark that has become worn out, to fashion it into a wrapping cloth for Torah scrolls is permitted, but to fashion it into a wrapping cloth for a scroll of one of the five books of the Torah is prohibited.^H

And Rava also said: With regard to these cases for storing scrolls of one of the five books of the Torah and sacks for storing Torah scrolls, they are classified as articles of sanctity. Therefore, they are to be interred when they are no longer in use. The Gemara asks: Isn't that obvious? The Gemara answers: Lest you say that since these items are not made for the honor of the scrolls but rather are made merely to provide protection, they should not be classified as articles of sanctity, Rava therefore teaches us that although they are indeed made to protect the scrolls, they also provide honor and are therefore to be classified as articles of sanctity.

The Gemara relates: There was a certain synagogue of the Jews of Rome that opened out into a room in which a corpse was lying, thereby spreading the ritual impurity of the corpse throughout the synagogue. And the priests wished to enter the synagogue in order to pray there. However, it was prohibited for them to do so because a priest may not come in contact with ritual impurity of a corpse. They came and spoke to Rava, about what to do. He said to them: Lift up the ark and put it down in the opening between the two rooms, as it is a wooden utensil that is designated to rest^{HN} in one place and not be moved from there, and the *halakha* is that a wooden utensil that is designated to rest is not susceptible to ritual impurity, and therefore it serves as a barrier to prevent ritual impurity from spreading.^H

Wrapping cloths of Torah scrolls – מטפחות ספרים: It is permitted to make burial shrouds from wrapping cloths of a Torah scroll that have become worn out. This is considered their interment. However, worn-out wrapping cloths of a Torah scroll may not be used as a covering for phylacteries (*Eshel Avraham; Shulhan Arukh, Oraḥ Hayyim 154:4*).

The storing away of a Torah scroll – גְּמִיזַת סֵפֶר תּוֹרָה: It is prohibited to burn a Torah scroll, sacred books, and articles of sanctity (*Magen Avraham; see Responsa Shevut Ya'akov and Sedei Hemed*). Instead, they are placed in an earthenware utensil and interred in a Torah scholar's grave. For this purpose, the scholar is not required to be a great Sage. Rather, it is sufficient even if he studied only *halakhot*. This ruling is in accordance with the opinion of Rava and Rav Aḥa (*Shulhan Arukh, Oraḥ Hayyim 154:5*).

NOTES

A Torah scroll that became worn out is interred and buried next to a Torah scholar – **סֵפֶר תּוֹרָה שְׂבִילָה גּוֹנֵיץ** – **אֹתוֹ אֵצֶל תַּלְמִיד חֶכֶם**: This *halakha* is based on the principle that the honor of a Torah scholar is greater than the honor of a Torah scroll. The Gemara here indicates that this principle is true even of a scholar who studied only *halakhot*.

A synagogue and a study hall – בֵּית כְּנֶסֶת וּבֵית מִדְרָשׁ: It is permitted to convert a synagogue into a study hall or to sell a synagogue in order to buy a study hall. However, a study hall may not be converted into a synagogue. This ruling is in accordance with the opinion of Rav Pappi. Nowadays, as synagogues are also used for Torah study, they have the sanctity of a study hall (see *Mishna Berura; Shulhan Arukh, Oraḥ Hayyim 153:1*).

LANGUAGE

Palaces [*palterin*] – פִּלְטֵרִין: From the Latin palatinum and the Greek παλάτιον, meaning palace or temple.

NOTES

Every great house – כָּל בֵּית גָּדוֹל: The verse makes a distinction between “all the houses of Jerusalem,” which are grouped together, and “every great house,” which is different. The Gemara understands this to imply that the significance of a “great house” is such that it must always remain distinct from the other houses of Jerusalem. It may not be used for any purpose other than what it was designated for. However, see the Jerusalem Talmud, in which “all the houses of Jerusalem” is expounded in a different manner.

אָמְרוּ לִיה רַבֵּן לְרַבָּא: וְהָא זְמַנִּין דְּמִטְלָלְתִּי לִיה כִּי מְנַח סֵפֶר תּוֹרָה עֲלוּיָהּ, וְהוּהוּ לִיה מִיטְלָלְתָא מְלֵא וְרִיקָם! אֵי דְכִי לָא אֶפְשָׁר.

The Rabbis said to Rava: But isn't the ark sometimes moved when a Torah scroll is still resting inside it, and therefore it is a utensil that is moved both when it is full and when it is empty; such a utensil is susceptible to ritual impurity and cannot prevent ritual impurity from spreading. He said to them: If so, if it is as you claim, then it is not possible to remedy the situation.

אָמַר מַר זוּטְרָא: מְטַפְחוֹת סֵפֶרִים שְׂבִילֵי עוֹשִׂין אוֹתָן תְּכַרִּיכִין לְמַת מְצוּהָ, וְזוּ הִיא גְּמִיזַתָּן.

Mar Zutra said: With regard to wrapping cloths of Torah scrolls that have become worn out, they may be made into shrouds for a corpse with no one to bury it [*met mitzva*], and this is their most appropriate manner for being interred.^h

וְאָמַר רַבָּא: סֵפֶר תּוֹרָה שְׂבִילָה גּוֹנֵיץ אוֹתוֹ אֵצֶל תַּלְמִיד חֶכֶם, וְאֶפְיִלּוּ שׁוֹנֵה הַלְכוֹת. אָמַר רַב אַחָא בְרַי יַעֲקֹב: וּבְכָלֵי חֶרֶס, שְׁנָאֵמַר “וַיִּנְתְּתֶם בְּכָלֵי חֶרֶשׁ לְמַעַן יַעֲמְדוּ יָמִים רַבִּים”.

And Rava said: A Torah scroll that became worn out is interred and buried next to a Torah scholar,ⁿ and in this regard, a Torah scholar is defined even as one who only studies the *halakhot* in the Mishna and the *baraitot* but is not proficient in their analysis. Rav Aḥa bar Ya'akov said: And when it is buried, it is first placed in an earthenware vessel, as it is stated: “And put them in an earthenware vessel, that they may last for many days” (Jeremiah 32:14).^h

(וְאָמַר) רַב פַּפִּי מְשַׁמֵּיחַ דְּרַבָּא: מִבֵּי כְּנִישְׁתָּא לְבֵי רַבָּנָן – שְׂרִי, מִבֵּי רַבָּנָן לְבֵי כְּנִישְׁתָּא – אֶסִּיר. וְרַב פַּפָּא מְשַׁמֵּיחַ דְּרַבָּא מַתִּיב אֵיפְכָא, אָמַר רַב אַחָא:

§ And Rav Pappi said in the name of Rava: To convert a building from a synagogue into a study hall is permitted, but from a study hall into a synagogue is prohibited, as he holds that a study hall has a higher degree of sanctity than a synagogue. And Rav Pappa in the name of Rava teaches the opposite, as he holds that a synagogue has a higher degree of sanctity than a study hall. Rav Aḥa said:

Perek IV
Daf 27 Amud a

בְּוֹתֵיהּ דְּרַב פַּפִּי מְסַתְבְּרָא, דְּאָמַר רַבִּי הוֹשֵׁעַ בֶּן לֹוִי: בֵּית הַכְּנֶסֶת מוֹתֵר לְעִשׂוֹתוֹ בֵּית הַמִּדְרָשׁ, שְׁמַע מִינָהּ.

It stands to reason to rule in accordance with the opinion of Rav Pappi, as Rabbi Yehoshua ben Levi said: It is permitted for a synagogue to be made into a study hall.^h The Gemara concludes: Indeed, learn from it that the opinion of Rav Pappi is correct.

דִּרְשׁ בַּר קַפְרָא: מֵאֵי דְכָתִיב “וַיִּשְׂרֹף אֶת בֵּית ה' וְאֶת בֵּית הַמֶּלֶךְ וְאֶת כָּל בְּתֵי יְרוּשָׁלַם וְאֶת כָּל בֵּית גְּדוֹל שָׂרָף בְּאֵשׁ.” “בֵּית ה'” – זֶה בֵּית הַמִּקְדָּשׁ, “בֵּית הַמֶּלֶךְ” – אֵלּוּ פְּלַטְרִין שֶׁל מֶלֶךְ, “וְאֶת כָּל בְּתֵי יְרוּשָׁלַם” – כְּמִשְׁמַעֲנָן, “וְאֶת כָּל בֵּית גְּדוֹל שָׂרָף בְּאֵשׁ” רַבִּי יוֹחָנָן וְרַבִּי יְהוֹשֻׁעַ בֶּן לֹוִי, חָד אָמַר: מְקוֹם שְׂמֻגְדָּלִין בּוֹ תּוֹרָה, וְחָד אָמַר: מְקוֹם שְׂמֻגְדָּלִין בּוֹ תַפְלָה.

§ Bar Kappara interpreted a verse homiletically: What is the meaning of that which is written: “And he burnt the house of the Lord, and the king's house, and all the houses of Jerusalem, and every great house he burnt with fire” (II Kings 25:9)? He explained: “The house of the Lord”; this is the Holy Temple. “The king's house”; these are the king's palaces [*palterin*].^l “And all the houses of Jerusalem”; as understood in its literal sense. With regard to the final phrase: “And every great house” he burnt with fire,” Rabbi Yohanan and Rabbi Yehoshua ben Levi disagree about the meaning of “great house”: One of them said: It is referring to a place where the Torah is made great, i.e., the study hall; and the other one said: It is referring to a place where prayer is made great, i.e., the synagogue.

מֵאֵי דְאָמַר תּוֹרָה, דְּכָתִיב “ה' חִפְץ לַמַּעַן צִדְקוֹ יַגְדִּיל תּוֹרָה וַיִּאֲדִיר.” וּמֵאֵי דְאָמַר תַּפְלָה דְכָתִיב “סִפְרָה נָא... הַגְּדוֹלוֹת אֲשֶׁר עָשָׂה אֱלֹהִישָׁע.” וְאֵלִישָׁע דְּעֵבֵד – בְּרַחְמֵי הוּא דְּעֵבֵד.

The Gemara explains their respective opinions: The one who said that the reference is to where the Torah is made great bases his opinion on a verse that describes Torah study as great, as it is written: “The Lord was pleased, for His righteousness' sake, to make Torah great and glorious” (Isaiah 42:21). And the one who said that the reference is to where prayer is made great bases his opinion on a verse that describes prayer as great, as it is written: “Tell me, I pray you, all the great things that Elisha has done” (II Kings 8:4), and that which Elisha did, i.e., restored a boy to life, he did through prayer.