

## **A Gloss<sup>1</sup> - הג"ה**

### Overview

ruled that one may not dismantle a synagogue, before building a replacement synagogue. Two reasons were offered for this ruling. Either because (that for the duration) there will not be a place where to pray (לצלוּי); or because they may be negligent in rebuilding the synagogue<sup>2</sup> (פשיעוּתא). The practical ramification of these reasons is if there is another place<sup>3</sup> (or בית הכנסת) where to pray. If the concern is לצלוּי then it is permitted to dismantle the ביכנ"ס; if however the concern is פשיעוּתא, then even when there is a דוכתא לצלוּי (or another ביכנ"ס) it is forbidden to dismantle the current ביכנ"ס. The גמרא then relates that מרימר ומר זוטרא would dismantle and rebuild the summer ביכנ"ס in the winter, and the winter ביכנ"ס in the summer. It is not clear whether we are discussing one ביכנ"ס which was dismantled and rebuilt twice a year; or we are discussing two separate בתי כנסיות, of which each one was dismantled and rebuilt. It is also not clear why they were permitted to do so. It would seemingly be in violation of the abovementioned ruling. תוספות will be discussing these issues.

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**Dismantling and rebuilding a summer synagogue in the winter<sup>4</sup>, and a winter synagogue in the summer –**

**– that is comparable to a case where there is a fissure in the wall of the synagogue –**

**and it is permitted** to dismantle (and rebuild) the synagogue in all these cases. When there is a fissure in the wall of the בית הכנסת which may cause it to collapse, it is certainly permissible to dismantle the ביכנ"ס and rebuild it (as the גמרא states shortly). Similarly during the winter season, the summer ביכנ"ס is considered faulty<sup>5</sup> and may be dismantled and subsequently rebuilt as a winter ביכנ"ס; and vice versa with the winter ביכנ"ס during the summer. תוספות is now assuming that there was only one ביכנ"ס in this city. It was dismantled and rebuilt twice a year.

תוספות considers and discusses an alternate possibility:

**– and if we were to assume that in the case of the גמרא there were two בתי כנסיות in two separate places in the city –**

<sup>1</sup> Seemingly this תוספות was not part of the original תוספות but was included as an addendum from (presumably) other תוספות.

<sup>2</sup> It would seem from this תוספות (especially from the last answer) that we are not concerned that they will be lax and not rebuild the ביכנ"ס at all. Rather the concern is that for the duration that they are lax in rebuilding the ביכנ"ס, it would be considered negligence on their part.

<sup>3</sup> גירסא seems to favor this תוספות.

<sup>4</sup> The summer ביכנ"ס was dismantled at the end of the summer and rebuilt immediately in time for the winter.

<sup>5</sup> It is too cold there in the winter. Conversely, the winter ביכנ"ס, is too hot for the summer.

ביכנ"ס **a summer and a separate winter** ביכנ"ס – **של קייטא ושל סיתורא**; this would raise the question why where they permitted to dismantle the summer ביכנ"ס in the winter. We cannot consider the summer ביכנ"ס as if it is faulty in the winter; since there was a separate winter ביכנ"ס. What right did they have to dismantle the summer ביכנ"ס in the winter and vice versa?!

answers: We must say that the גמרא -

**אירי כגון דחזו בה תיוהא – is discussing a situation similar to finding a breach<sup>6</sup>** in the wall; therefore they were permitted to dismantle it.

offers an alternate solution:

**ועוד נראה כיון דיש שם בית הכנסת אחר – and furthermore, it seems that since there is another ביכנ"ס there**, in that community (either the winter or summer (ביכנ"ס) –

**אין לחוש אם לא יבנו זאת – there is no concern even if they do not rebuild this one<sup>7</sup>** that they dismantled. The prohibition against dismantling a ביכנ"ס, is based on the concern that it will not be rebuilt (or that the people will not have a place to be מתפלל). In our situation however, these concerns are not valid. There is another ביכנ"ס where to be מתפלל.

challenges this previous answer:

**and that which** גמרא **states** concerning the difference between the two opinions why a ביכנ"ס may not be dismantled; whether it is because there is concern that it will not be rebuilt (פשיעותא), or whether we are concerned that in the duration of dismantling and rebuilding there will be no place to be מתפלל; the difference between these two reasons is in a situation -

**דאיכא דוכתא לצלויי – where there is a place to be מתפלל.** In such a situation we would not be permitted to dismantle a ביכנ"ס (only) according to the opinion that we are concerned for פשיעותא. In any event we see that even if there is a דוכתא לצלויי we are not permitted to dismantle a ביכנ"ס according to the פשיעותא מ"ד. How then were they permitted to dismantle the 'בי קייטא וכו'?

responds: That answer that the difference between the two opinions is in a case of - איכא דוכתא לצלויי

**that is specifically where this דוכתא לצלויי is not a ביכנ"ס<sup>8</sup>**. In that situation we maintain that according to the פשיעותא מ"ד it is forbidden to dismantle the ביכנ"ס even though there is a דוכתא לצלויי. For since that דוכתא לצלויי is not designated as a ביכנ"ס, it is merely a temporary meeting place, it does not fulfill the

<sup>6</sup> It would be difficult to say that they actually found a breach in the wall; for if that were the case, it would be permitted to dismantle the summer ביכנ"ס even in the summer. Therefore תוספות states 'כגון' something similar to fault. In ordinary circumstances we would be reluctant to dismantle it; however since it was a summer ביכנ"ס in the winter, and was not being used, it was permissible to dismantle it (even according to the פשיעותא מ"ד) because it required repairs.

<sup>7</sup> This phrase seems to indicate, that we are not concerned even if it is never rebuilt.

<sup>8</sup> This would indicate that this תוספות is not 'בי כנישתא אחריתי' גורס, but rather 'דוכתא לצלויי'.

requirement that every community have a proper and permanent ביכנ"ס. In the case of ביכנ"ס there are two כנסיות. Therefore we may dismantle one of them (if necessary).

ביכנ"ס offers an additional explanation why they were permitted to dismantle the ביכנ"ס. וכי.

**and furthermore<sup>9</sup> on account of the cold in the winter** (where they to have only the summer ביכנ"ס) **and the heat in the summer** (where they to have only the winter ביכנ"ס)

**– אין לחוש שמא יפגעו** **there is no concern that perhaps they will be negligent<sup>10</sup>** and not rebuild the ביכנ"ס during the off season. The circumstances of the (extreme) heat and cold (in the inferior ביכנ"ס) will force the community to rebuild the needed ביכנ"ס in time for the new season.

תוספות offers a alternate explanation why there will be no negligence:

**– או בזמן גדול כל כך** **or one can argue that for such an extended period** **– אין לחוש** **there is no concern** that it will not be rebuilt<sup>11</sup>.

**The gloss is hereby concluded.** – עד כאן הגה"ה

### Summary

A community may dismantle a summer ביכנ"ס for a winter one (and vice versa).

If there is both a summer and winter ביכנ"ס they may be dismantled out of season if there is a need for (minor) repairs. This is the first opinion of תוספות.

The other opinion(s) of תוספות is that they may be dismantled out of season regardless, whether it needs repair work or not. This case differs from the case of איכא דוכתא לצלויי where it is forbidden to dismantle a ביכנ"ס according

<sup>9</sup> Even if we were to assume that (according to the פשיעותא (מ"ד פשיעותא) one is not permitted to dismantle a ביכנ"ס even if there is another ביכנ"ס in the community (as our גירסא in the גמרא maintains), nevertheless this case is different.

<sup>10</sup> When there are two 'regular' כנסיות in a community, one is not permitted to dismantle one of them (according to the פשיעותא (מ"ד פשיעותא) out of concern that the people will use the other ביכנ"ס. This may cause a laxity in the rebuilding of the dismantled ביכנ"ס. This is not acceptable. In our case however the circumstances will force the community to rebuild the ביכנ"ס. See the following footnote.

<sup>11</sup> In the event when there is another ביכנ"ס, we are concerned that they may be lax in rebuilding the ביכנ"ס. The original ביכנ"ס was used (throughout the year), and now it is being neglected. [There is only concern for laxity; not that they will never rebuild it (see Overview)]. This laxity is considered a פשיעותא. In our case however, even if they are lax in rebuilding the summer ביכנ"ס during the winter (they do not rebuild it immediately at the beginning of the winter), it is not considered a פשיעותא, because the summer ביכנ"ס is never used during the winter. It can be considered a פשיעותא, only if they do not rebuild it by the time summer arrives. תוספות maintains that either the necessity to rebuild the ביכנ"ס before the new season (on account of cold/heat) will force then to build it in the proper time; or there is so much time during the winter to rebuild the summer ביכנ"ס, that we are not concerned that they will be that negligent. (This explains the 'ועוד' לשון 'או').

to the פשיעותא מ"ד, because there it is merely a דוכתא לצלויי, not a ביכנ"ס, however here there still remains a bona fide ביכנ"ס.

Even if the פשיעותא מ"ד maintains that if there is another ביכנ"ס it is still prohibited to dismantle an existing ביכנ"ס, it is nevertheless permissible to dismantle the בי קייטא וכו'. In the case of two כנסיות בתי, the people may become accustomed to using only one ביכנ"ס and be lax in rebuilding the other. By בי קייטא, however they will never be comfortable using the summer ביכנ"ס in the winter. Another reason is that the negligence of rebuilding the בי קייטא will never extend over the entire winter.

### Thinking it over

1. Do פשיעותא or צלויי maintain the reason of מרימר ומר זוטרא?
2. At what point in the winter is it permitted to dismantle the summer ביכנ"ס?