

And he brought in his bed there

ועייליה לפורייה להתם -

OVERVIEW

אשי wanted to be sure that there would be no laxity in the rebuilding of the ביכנ"ס, so he placed his bed and slept in the ביכנ"ס until the entire construction (including the setting of the drain pipes) was completed. תוספות will be discussing whether it is permissible to sleep in a ביכנ"ס.

תוספות asks:

ותימה והא אמרת¹ בתי כנסיות אין ישנים בהם לא שינת קבע ולא שינת עראי –

And it is astounding! For you know that it is stated concerning synagogues, that we do not sleep in them neither a (fixed) [normal] sleep nor a temporary sleep (a nap). How was אשי permitted to sleep in this ביכנ"ס (that they were building)?²

תוספות offers a possible answer and rejects it:

ואין לתרץ משום דבבבל הוי ואמר רב אסי בפרק בתרא דמגילה (דף כח,ב ושם דיבור המתחיל בתי) –

And we cannot answer that he was permitted to sleep in the ביכנ"ס, since it was in בבל, and אסי said in the last פרק of מגילה –

בתי כנסיות של בבל על תנאי הן עשויות –

The בתי כנסת of בבל are made with certain stipulations. These stipulations allow the ביכנ"ס of בבל to be used for purposes other than a ביכנ"ס.

ופירש הקונטרס התם נפקא מינה לענין הא דקתני לעיל אין אוכלין בהן ואין שותים בהן –

על תנאי בתי כנסת of בבל were made that the fact the ביכנ"ס were made there in a ברייתא has a relevance concerning that which was previously taught there in a ברייתא concerning a ביכנ"ס, namely that one may neither eat nor drink in a ביכנ"ס –

ואין נכנסין בהן בחמה מפני החמה ובגשמים מפני הגשמים ובשל בבל מותר³ –

And one may not enter into them in the summer time to protect himself from the heat; nor may he enter a ביכנ"ס in the rainy season to shelter himself from the rain; however, in the ביכנ"ס of בבל he is permitted to do the aforementioned acts.

תוספות rejects this explanation:

דהא קאמר התם בתר הכי רבינא ורב אדא הוו קיימי ושיילי שמעתא מרבא –

¹ See מנחת בכורים there. 'שינת עראי'. It does not mention however תוספתא מגילה ב,יא.

² See, "Thinking it over".

³ The בתי כנסיות in בבל were built with the provision that one may conduct himself there in a manner prohibited in other בתי כנסת. It would seem from רש"י that in the ביכנ"ס of בבל one is permitted to sleep there as well, since it was built with the provision that people may sleep there. This would seemingly explain why אשי was permitted to place his bed in the ביכנ"ס.

For the גמרא in מגילה subsequently relates that רב and רבא were standing and asking a הלכה question from רבא -

אתא זילחא דמטרא עליהו ועיילי לבי כנישתא –

A downpour of rain fell upon them so they entered into the ביכנ"ס to continue their discussion -

ולא משום מטרא אלא משום דשמעתא בעיא צילתא –

However, they did not enter the ביכנ"ס to protect themselves from the rain, rather they entered the ביכנ"ס because learning תורה requires a clear mind.

This concludes the story. תוספות continues -

והשתא והלא בית הכנסת של בבל היה והיו יכולין ליכנס בה מפני המטר⁵ –

But now let us see; this was a ביכנ"ס in בבל and according to רש"י they would be permitted to enter the ביכנ"ס on account of the rain.

answers: תוספות

ויש לומר דלאו ממש לבית הכנסת עיילה לפוריה –

And one can say that he did not bring his bed into the proper ביכנ"ס -

אלא בסמוך לבית הכנסת במקום שהאורחין רגילין לישן שם ולאכול –

But rather in a room adjacent to the ביכנ"ס, in the place where the guests customarily sleep and eat there. תוספות will now show that it was customary to have a room adjacent to the ביכנ"ס for guests -

כדאמרין בערבי פסחים (פסחים דף קא,א ושם דיבור המתחיל דאכלי) –

As the גמרא states in ערבי פסחים -

ושמואל למה ליה לקדושי בבי כנישתא –

‘And according to שמואל why do they make קידוש in the ביכנ"ס? The people go home to eat. There is no קידוש במקום סעודה. The גמרא answers קידוש is made in order that -

לאפוקי אורחים ידי חובתן דאכלו ושתו וגנו בבי כנישתא⁷ –

The guests fulfill their obligation to make קידוש. Since there are guests who eat, drink and sleep in the ביכנ"ס.’

בתי כנסיות שבבל על תנאי הם עשויין that the statement תוספות deals now with

והא דאמר דעל תנאי הן עשויין מפרש רבינו יצחק –

⁴ רבא would not be able to come to the right decision, since they are being distracted by the downpour.

⁵ The fact that the גמרא makes it clear that they did not enter the ביכנ"ס on account of the rain, proves that even in רב אשי, one is not permitted to derive personal benefit from the ביכנ"ס. The question therefore remains; how was the ביכנ"ס permitted to sleep in the ביכנ"ס.

⁶ שמואל maintains that קידוש אלא במקום סעודה.

⁷ It seems obvious that these guests did these activities in the adjacent guest room provided for them, not in the proper ביכנ"ס. Similarly, רב אשי placed his bed and slept in the adjoining room.

And concerning that which the גמרא states that the **were made** על בתי כנסיות שבבל **the ר"י explains** that it does not mean that one can arbitrarily make a provision permitting usage of the ביכנ"ס for personal needs; but rather the תנאי was made -

לענין שאם יחרבו יעשו מהן מה שירצו לבד מקלות ראש⁸ כדאמרינן התם:

concerning that if the ביכנ"ס **became destroyed they can utilize** the destroyed **as they see fit, except** that they cannot utilize it **for light headed purposes** as the גמרא states there in מסכת מגילה.

SUMMARY

It is forbidden to do any secular activity in a ביכנ"ס even in בבל. The provisions that were made for the ביכנ"ס of בבל was that one may make respectful use of them once they are destroyed, and no longer function as a ביכנ"ס. רב אשי placed his bed and slept in a room adjoining the ביכנ"ס proper; not in the ביכנ"ס itself. [רש"י maintains, on account of the provisions – על תנאי הם עשויים – one may utilize an existing ביכנ"ס for personal needs.]

THINKING IT OVER

One would assume that the prohibition against sleeping, etc. in a ביכנ"ס is limited to a functioning ביכנ"ס. Here however רב אשי seemingly slept in a ביכנ"ס during construction⁹ when it was not in use.¹⁰ How can we justify תוספות question?¹¹

⁸ The גמרא there gives an example of קלות ראש to mean that it is forbidden to use the ביכנ"ס for חשבונות.

⁹ See footnote # 2.

¹⁰ This should be perhaps considered בהורבנן, where everything besides קלות ראש is permitted.

¹¹ See בל"י אות סה.