

Daf Hashvua Gemara and Tosfos: Megila 26
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New Perek

The people of a city that sold their street, (which has a little bit of Kedusha, since they Davened outside on a Taanis), you can use that holy money to buy a Shul (which has even more Kedusha).

Tosfos points out that the right text shouldn't say that they Davened in the street by the Mamudos, since they didn't Daven in the street, but they went to Shul, as the Gemara says in the last Perek of Taanis.

If you sell a Shul, you can buy a Bima with the money (which has more Kedusha). If you sell a Bima, you can buy a cover for Sefarim with the money.

Daf 26a

If you sell the cover for a Sefer, you may buy actual Sefarim (Nach) with the money. If you sell these Sefarim, you may buy a Sefer Torah with the money. However, if you sell a Sefer Torah, you can't buy Sefarim of Nach with the money. If you sell the Nach, you can't sell covers from Sefarim with the money. If you sell the covers, you can't buy a Bima with the money. If you sell a Bima, you can't buy a Shul with the money. If you sell a Shul, you can't buy a street with the money. All this even applies to the leftovers. I.e., if you buy something permitted with some of the money, you can't use the leftover money for lesser uses.

Rabbah b. b. Chana quotes R' Yochanan; this, that the street is holy and you can't buy anything with its proceeds is only according to R' Menachem b. R' Yossi, who our unnamed Mishna is like. However, the Chachumim say that the street doesn't have any holiness. R' Menachem b. R' Yossi's reason is; since the congregation Davens there during the Taanis (and Mamudos), it's holy. However, the Chachumim say that it's only a temporary situation, so it's not enough to give it holiness.

New Sugya

R' Shmuel b. Nachmeini quotes R' Yonason: we only taught (that you can sell a Shul) is only by a village Shul. However, you can't sell a Shul in a big city since the multitudes from all over come to it, it's considered that it belongs to the multitudes (and not just the city's citizens). R' Ashi says: I can sell the Shul of Matta Machseh, even though people come from all over, since they all come here because of me (to consult me).

Tosfos explains: since many people come there to Daven, even if they don't donate anything towards the construction of the Shul, since the Shul was made with those people in mind, it has a much stricter Kedusha, and it can't be sold.

Alternatively, since the multitudes contribute to the construction and its other needs, (they have some ownership in it, and the city can't sell their share). Therefore, when R' Ashi says that he can sell it because they come for him, that means; therefore, we assume they donated for R' Ashi to do with it what he wants.

The Gemara asks from a Braisa: R' Yehuda says that there was a story with a Shul of copper minors in Yerushalayim who sold it to R' Eliezer, and he did what he wanted in it, even though it was in a big city. The Gemara answers: it was a small Shul that they personally made.

The Gemara asks from another Braisa: (by Tzaras), the Pasuk says "in a house in the land of your inheritance." Only in inherited land do they become Tamai with Tzaras, but not in Yerushalayim. R' Yehuda says that I only heard that the Mikdash can't become Tamai. This seems to say that Shuls and Batei Medrushim do become Tamai. But, why would that be if they're in a big city (and we said that it belongs to the multitudes and not to individuals)? The Gemara answers: perhaps change the word (from Mikdash) to a 'Mekudash' (holy) place (like a Shul).

Tosfos explains: the one who asked the question supposed; since you can't sell it, it's not considered to be your inheritance and can't be Tamai with Tzaras. Also, the Pasuk "who owns the house" is not applicable either.

Tosfos asks: in Yuma, R' Meir held that a Shul of a big city is Chayiv to have a Mezuzah, and the Gemara establishes the Braisa that says that it becomes Tamai by Tzaras to be like his opinion. (So, why don't we answer that he holds like R' Meir?)

Also, Tosfos asks: why does this have to do with a Shul of a big city? After all, the Gemara's conclusion there doesn't differentiate between a village and a big city regarding Tzaras and Mezuzah. (So, it should be assumed that selling, which depends on whether it's a village or a big city, is not dependent on whether it's Tamai from Tzaras, or not.)

Tosfos answers: the one who asked this question made two mistakes First, there is no difference between a village and a big city like the Gemara's conclusion there according to the Rabanan (who argue with R' Meir), which is R' Yehuda (the author of the Braisa that the Gemara here asks from, and that's why we can't say that the Braisa holds like R' Meir). Also, he made a mistake, and the truth is that, even if you can't sell the Shul, it still can become Tamai with Tzaras according to R' Meir. *[Mahrsha: but you can't say that he knew this is true in R' Meir's opinion, but he was saying this according to the Rabanan. After all,*

since he didn't bring their opinions here, it shows that he wasn't aware of the argument, and he was just saying this from logic, and we're showing that R" Meir disagrees with this piece of logic.]

The Gemara asks: what was the above argument (whether the whole Yerushalayim is considered inherited land or not) depend on? The Gemara answers: the Tanna Kama holds that Yerushalayim was never divided among the Shvatim (but always remained public ground), and R' Yehuda holds that it was divided among the Shvatim. As we see other Tannaim arguing this point. As we have a Braisa that holds that they belong to the Shvatim. As it says that the temple mount, storage rooms and the Azaros were in Yehuda's share. Binyamin had the Ullam, the Heichel and the Kodesh Hakdoshim There was a strip that jutted out from Yehuda into Binyamin's share and the Mizbeach was built on it. Binyamin was always pained about it and was trying to swallow it (into his share) as it says "he desires to get it all day," therefore, he became the Shchina's host.

Tosfos asks: we say in Zevachim that the south east corner of the Mizbeach didn't have a protruding base (Yesod) since there was only a base where it was in Binyamin's share. Therefore, it seems that the whole Mizbeach was built in Binyamin's share (and the immediate area to the south and to the east was in Yehuda's share, so they couldn't extend the Yesod there).

Tosfos answers: really the whole southeast side of the Mizbeach was in Yehuda's share, and that's the part that he wanted to swallow (i.e.,annex) so that the whole Mizbeach should be in his share.

However the following Braisa holds that they weren't divided among the Shvatim. As it says that people are not allowed to rent houses (during the Regel to those who came up) since the houses really don't belong to them. R' Elazar says that they can't even charge for the beds, therefore, the hosts took the guests' Korbanos' hides by force (as rent).

Tosfos quotes R' Yosef who explains: since the owners didn't really own the land that the bed was on, they couldn't rent them outright. However, they kept the skins for the rent of the moveable objects (i.e., the beds that they owned).

Abaya gleaned from this statement that it's proper for a guest to leave his earthenware utensils and hides by their hosts.

New Sugya

Rava says: you only need to buy an item of greater Kedusha if the seven caretakers of the city didn't sell it front of the people of the city, but if those seven caretakers sell it in front of the people of the city, you may use the money to buy beer.

Daf 26b

Raveina owned this large mound that a Shul was originally built on. He went before R' Ashi and asked if he could plant in it. He answered: go buy the rights from the seven caretakers of the city in front of the people of the city and then you may plant it.

Rami b Abba was building a Shul, and they had an old Shul. He wanted to demolish the old one so that he can bring bricks and beams from it to put in the new one. So, he inquired if it's permitted based on R' Chisda's statement. After all, that which R' Chisda said that you can't demolish an old Shul until the new Shul is finished because they might be negligent and end up not building the new one, but does that apply to our case (where you need the materials of the old one for the new one)? He came before R' Pappa, and he forbade it. He came before R' Huna and he forbade it.

Rava says: you can exchange a Shul (for other items) or sell it, but you can't rent it or give it as a collateral since it's still holy. (After all, you never got its full worth to say that the holiness went off the Shul and went on the money.)

Tosfos asks: R' Meir later says that you can't sell a Shul forever, but you always need to make a condition that you have an option to buy the Shul back. Therefore, it's only a temporary selling, so why is that any better than a collateral? (After all, there, you lend money, and you can use the property until you get paid back. So too by R' Meir, you're giving money, and you may use the Shul until you get paid back.)

Tosfos answers: he only permits selling the Shul to another congregation who wants to Daven there, so the selling doesn't disgrace it by lowering the Kedusha. Our Gemara refers to a case where you gave it as a collateral to an individual and thus disgracing it by lowering its Kedusha.

The same applies to bricks of the Shul, it's only permitted to exchange and sell, but not rent or give as a collateral. However, that's only by bricks of an old Shul (that already has Kedusha), but not ones that are designated to build a new Shul. This is not only according to those who say that designation (of an object for holiness, or any other thing that's forbidden to partake pleasure from) is nothing (and you may use it), but it's even according to the opinion that it's something. After all, that's only if you wove clothes for a corpse, but not if you just spun threads to weave the clothes. Here too, these bricks are similar to the spinning of the threads, and there is no one who forbids.

There is an argument between R' Acha and Raveina if it's given as a gift; one permits it and the other forbids it. The one who forbids holds that nothing redeemed it to take away the Kedusha. The one who allows it holds that, if it wasn't for the fact that the people had some pleasure from him, they wouldn't give it to him, (so they must have received the amount of pleasure

that would justify giving the Shul over, and that's the redemption for the Kedusha of the Shul). Therefore, a gift is really a sale.

New Sugya

You may throw away items that facilitate a Mitzva, but those that facilitate holy items must be "put in Shaimos." These are items that facilitate Mitzvos: a Sukka, a Luluv, a Shofar and Tzitzis strings. These are items that facilitate Kedusha: sacks for Sefarm, for Tefilin or for Mezozos. The cover of the Sefer Torah, the Tefilin bag and the straps.

Tosfos says; from here, it seems that the Daled and Yud tied into the straps are not real letters and they're is no Halacha L'Moshe M'Sinai to have any letters but the Shin that's on the box. After all, we don't call the straps here but "facilitating Kedusha," (and not actual Kedusha). This is also the implication in Menachos that only calls it 'facilitating Kedusha.' It's also the implication from the Gemara in Shabbos that asks "but isn't the Shin a Halacha L'Moshe M'Sinai," and doesn't ask about the Daled and Yud.

However, the following Gemara in Menachos is not difficult to the idea that the Daled and Yud are not real letters. (As you don't need to learn the Gemara like Rashi says there, (as we'll quote his explanation later), that implies that they're all letters.) The Gemara says: "and all the people will see that the name of Hashem are written on him and they'll be afraid of you," this refers to the head Tefilin. After all, we can say the reason why it only says the Shel Rosh since it's on the top of his head and is noticeable to all, it's a sign for them. However, the Shel Yad is not noticeable and is not a sign to others. As the Pasuk says about the hand Tefilin "it shall be for you a sign,' which implies, but it shouldn't be a sign to others.

However, how Rashi explains it there that they chose the Shel Rosh since it contains the Shin and Daled, which is most of the name of Shakai, is difficult from all the proofs we brought that the Daled and Yud are not considered as letters.

Rava says that he originally thought that the actual Bima was a facilitation to what facilitates Kedusha (since it holds up the cloth that the Sefer Torah is put on) and is permitted for your own use. However, once I saw that sometimes they put the Sefer Torah directly on it (when the cloth is not available), it facilitates the actual Kedusha and is forbidden.

Rava also says that he first thought that the curtain by the Aron Kodesh was a facilitation to what facilitates Kedusha (since it only covers the Aron). However, once I saw that they wrap the Sefarim in it, I say now that it facilitates Kedusha directly and is forbidden to use.

Rashi explains: it's the curtain spread in the inside of the Ahron. Tosfos asks: we see that the Ahron itself is a facilitator of Kedusha, as you can't make a Bima out of its

pieces. Therefore, we assume that the Ahron is more Kodesh than the curtain (since we're always certain that it's prohibited, and it would seem the inside curtain should be more Kodesh than the Ahron since it's closer to the Torah.)

Rather, Tosfos says; the curtain was spread on the outside of the Ahron.

Rava says that you can make a smaller Ahron out of the material of a larger broken Ahron, but you can't make a Bima out of it (since it's a lesser Kedusha). You can make a cover of a Sefer Torah with the worn out curtain in the inside of the Aron (since it's a greater Kedusha), but not a cover for Chumashim (that is of a lesser Kedusha).

Rava says: those covers of Chumashim or chests of Sifrei Torah are facilitators of Kedusha and eventually need to be put in Shaimos. The Gemara asks: this is simple, (so why say it?) The Gemara answers: I might think that they're not made for the honor of the Kedusha items, but juts to guard them, so we're taught otherwise.

There was a Shul of the Jews of Rome (who immigrated to Mechuza). It was open to a room that was a morgue. The Kohanim wanted to go Daven in it. They asked Rava what to do. Rava answered: carry the Ahron and place it over the opening. After all, it's a wooden utensil that's meant to be left in its place that's not susceptible to Tumah. (After all, wooden utensils have a Hekish to sack, which teaches us that you need it to be moved empty and full to be susceptible), and therefore, protects this room from the Tumah entering from the next room. The Rabanan asked Rava; but they sometimes get moved with the Sefer Torah in it, so it's moved when it's full and empty. Rava said back. if so, there is no solution.

Mar Zutra says: the covers of Torah that get worn out, you can make shrouds for a Meis Mitzva, and that would be the way to bury it as Shaimos. Rava says that you bury a worn out Sefer Torah with a Talmid Chachum who dies, or even with one that learned Mishnayos. R' Acha b. Yaakov says that it must be put in an earthenware utensil (to retard the disintegration). As we see that Yirmiya says "you should put (your documents) in a earthenware utensil so that it stays for many days."