

In Hilchos Tefillah

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Appreciating our Shuls

The Halchos of Kedushas
Bais Hakneses – Part 3

A summary of the weekly Wednesday night shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / To receive a copy send an email to InHilchosShabbos@gmail.com

The Coronavirus – A message from our leaders

The past couple of weeks our discussion focused on the *halachos* of *Kedushas Bais Hakneses*. In the midst of the coronavirus, Rav Chaim Kanievsky zt"l penned a letter in which he wrote, "It has been many weeks that we have been banned from our *shuls*; like a servant serving a cup of water to his master, and the master, in his disregard for his servant's service, throws the water back at the servant's face. Our eviction from our *Batei Kenisios* seems to be a sign from heaven regarding the sin of degrading the holiness of the *Bais Hakneses*. When we merit to return to our *shuls*, it would be befitting that the *Rabbanim* of the *shuls* speak to their congregants about the severity of the sin of degrading the holiness of the *Bais Hakneses* and *Bais Hamedresh* and awaken them about this."

Bringing a cellphone into Shul. Reb Chaim zt"l wrote pointedly that "It seems that the reason we were banned from our *shuls* is because during *davening* people kept their cellphones on. This is a tremendous degradation of our *davening* and of the holiness of our *shuls*, the like of which our ancestors never imagined. This is against *halacha*,¹ and is a sin that the *Zohar*² speaks very harshly about. Therefore, we must establish a permanent enactment, that it be considered a serious offense to enter a *shul* with a cellphone which is not entirely turned off. The *Gabbaim* have the responsibility to uphold this enactment, without any exceptions."

Last week we discussed the *Shulchan Aruch*³ that writes that it is prohibited to engage in frivolous activities in a *Shul*. Many *poskim*⁴ include bringing a cellphone into *shul* in this prohibition. *Sefer Vayivarech David*⁵ writes "It is obvious that had cellphones been around in the times of *Chazal* they would have forbade bringing a cell phone which is not turned off into *shul* during *davening*. Even if it is on silent it may not be brought in, as it disturbs ones *davening* and is a degradation to bring in front of *Hashem*."

Idle Speech. Last week we also discussed the *Shulchan Aruch* that writes that speaking idle speech in a *shul* is prohibited, and we attempted to justify why many are not careful with speaking idle speech in *shul*. During the coronavirus, Rav Gershon Edelstein zt"l wrote that "[when we return to our *shuls*] we should also be careful not to speak idle speech in our *shuls*."

Rav Chaim Kanievsky zt"l concluded his letter, "In the merit of us accepting these things upon ourselves *Hashem* will return us to perform his service in our *shuls* and accept our *teffilos* with love and approval."

Prohibited activities in Shul

Last week we cited the *Shulchan Aruch*⁶ gives several examples of behaviors and activities which are not acceptable in a *shul*.

- 1) Frivolous activities
- 2) Eating and drinking
- 3) Sleeping
- 4) Using a *Shul* as a Shortcut

Last week we discussed the first section, on frivolous activities; this week we will conclude our discussion on the topic of *kedushas Bais Hakneses* by discussing the remaining prohibitions discussed by the *Shulchan Aruch*.

2) Eating in shul

The second category of prohibited activities in a *shul* is eating and drinking in a *shul*. The *Shulchan Aruch*⁷ writes that it is prohibited to eat or drink in a *Bais Hakneses* or

Bais Hamedresh. The Mishna Berura⁸ explains that even drinking water in *shul* is prohibited.⁹

Leniencies

This category of eating and drinking is not as degrading to a *shul* as the first category of frivolous activities (such as joking or idle talk), and therefore there are some leniencies which apply.¹⁰

1. Talmidei Chachamim and their students. The *Shulchan Aruch*¹¹ writes that "Talmidei *chachamim* and their students may eat and drink in a *shul*."¹² The Mishna Berura¹³ explains that since these *Talmidei chachamim* are always in the *Bais Hamedresh* learning, it becomes like their home, and they may perform their basic needs there. Still, the Mishna Berura¹⁴ warns that "even a *Talmid chacham* may not act frivolously in a *Bais Hamedresh*. They may certainly not act jokingly or speak idle speech in a *Bais Hamedresh*, for just because they are *talmidei chachamim* they are still obligated in the *mitzvah* of showing respect to the *mikdash* (*me'at*)."

Defining a "Talmid chacham and his students." The *Aruch haShulchan*¹⁵ explains that "only someone who spends his entire day or at least half of his day learning in the *Bais Hamedresh* can be included in this category." For example, someone learning in *kollel* or a *yeshiva* student may eat and drink in a *Bais Medresh*.¹⁶ But someone who learns in a *Bais Medrash* for an hour or two does not fall into this category and may not use this leniency.¹⁷ Nevertheless, the Mishna Berura¹⁸ writes that if a person is learning and he becomes thirsty he may bring the food or drink into the *Bais Hamedresh* if leaving the *Bais Medrash* will cause him to disrupt his learning.

2. A Seudas Mitzvah. The *Shulchan Aruch*¹⁹ writes that one may eat a *Seudas Mitzvah* in a *Shul*. However, not every *Seudas Mitzvah* is included in this leniency. There are two types of *Seudas Mitzvah*:

a. A small Seudah. The example the *Shulchan Aruch*²⁰ gives of a permissible *Seudas Mitzvah* is: "such as the meal which was made when convening to make the year a leap year." The Mishna Berura²¹ explains that this was a small meal which did not have a lot of food and does not lead to lightheadedness and is not considered inappropriate to hold in a *shul*. Similarly, when making a *siyum* for the *bechoros* (the firstborns) on *erev Pesach*, it is customary to serve food in the *shul*. This is permissible since a minimal amount of food is served and is therefore considered a small meal.²²

- There is a custom, especially by *Chasidim*, that on the day of a *yartzeit* for one to distribute cake and schnapps in *shul*. Although some *poskim*²³ question this custom and argue that this is not considered a *d'var mitzvah* and may not be held in *shul*,²⁴ Rav Yaakov Kamenetzky²⁵ explained that giving out food and drink on a *yartzeit* is indeed a *dvar mitzvah*, because the basis of this custom is to provide food and drink to poor people to gain an *aliya* for the *neschama*. Nowadays as well, people are rushing to work and would often otherwise skip breakfast. Therefore, one may hold this *Seudas mitzvah* in *shul* because there is no other suitable place to have it.

b. A large Seudah. The Mishna Berura²⁶ writes that many *poskim* rule that a large meal may not be eaten in *shul* even if it is a *Seudas mitzvah*. Since it is common for there to be lightheadedness at these meals, it would be inappropriate to hold such a meal in *shul*. Nevertheless, there is reason to permit eating these meals in a *shul* (in *Chutz la'Aretz*²⁷), because our *shuls* are built with a *tenai*, a condition. Last week we

1 151:1 2 Mishnas Yosef (4:13); Rav Shmuel Vosner (Kovetz miBais Levi, Nissan 5758); Bais Yehuda 4:14; *sefer Vayivarech David* (Hilchos Tefillah, p. 1). See *sefer Vayivarech David* (Hilchos Tefillah, p. 1) where he writes that there is an obligation to protest when one sees someone bringing a cell phone into the *Bais Medrash*. 3 *Shulchan Aruch* 151 4 Vayakel, beginning of p. 205b 5 Hilchos Tefillah, p. 7. He also writes that there is an obligation to protest when one sees someone bringing a cell phone into the *Bais Medrash*. 6 151:1. The *Shulchan Aruch* discusses other examples as well such as beautifying oneself in a *shul*, entering a *shul* to protect oneself from the rain or the sun, making calculations in a *shul* (unless they are for a *mitzva*), making eulogies in a *shul* (unless it is for one of the great sages of the city or his family members). 7 151:1 8 Biur Halacha 151:1, d"h v'ein ochlin 9 Yet, the Biur Halacha (ibid) is uncertain regarding eating an *achilas aray* (i.e., less than a *k'beitzah*). See Bais Yehuda (8:1, note 3) where he asks that if drinking water is prohibited certainly an *achilas aray* is prohibited? He cites others who clearly prohibit any eating in a *shul*. 10 See Biur Halacha 151:11 end of d"h aval 11 151:1 12 The *Shulchan Aruch* rules that this leniency applies only when there is a need (i.e., there is nowhere else for them to eat). The Rema however writes that although in a *Bais Hakneses* one may only eat there if there is a great need, in a *Bais Hamedresh* they may always eat and drink there, even when there is no great need. 13 151:8 14 151:6 15 151:5 16 Bais Yehuda 8:5 17 Rav Yosef Shalom Elyashiv, cited in Bais Yehuda 17:4, note 7 18 Biur Halacha 151:1 d"h v'ain ochlin. However, see Ben Ish Chai (Vayikra,3) who is more stringent and does not permit this unless it is "a very hot day" and he cannot remain there without water. 19 151:4 20 151:4 21 151:20 22 Bais Yehuda 8:7 23 Rav Moshe Feinstein (Igros Moshe O.C. 1:45) however questions how it is permissible to give out food for a *yartzeit* in a *shul*. He therefore concludes that this custom must be to rely on the opinion of Rashi (cited last week in note 50) that a *tenai* is effective even when it is not such a great need nor for a *dvar mitzvah*. Those who make these *Seudas* in *shul* must base this on the opinion of Rashi that rules that a *tenai* is effective even when a *shul* is active and being used and even there is not such a great need or a *Seudas mitzvah*. 24 Cited in Halachically Speaking vol. 3 as said over by Rav Yisroel Belsky 25 See Igros Moshe 1:45; Shevet Halevi 9:29; Teshuvos v'Hanhagos 1:158 26 151:20 27 Igros Moshe, ibid; see Ohr l'Tzion 2:10:4; see Biur Halacha 151:11 end of d"h aval 28 See Biur Halacha 151:11 end of d"h aval and Sha'ar Hatzion 151:14 29 Sha'ar Hatzion 151:14 30 151:20 31 Teshuvos v'Hanhagos 1:158 32 Even so, Rav Shternbach writes that one should be careful not to eat directly in front of the *aron kadosh* since there is additional *kedusha* there, and certainly one should not sit with his back towards the *aron kodesh*.

cited the opinion of the Ramban who holds that a *tenai* is effective when there is a great need and there is no other suitable place available.²⁸ Accordingly, one may rely on the opinion of the Ramban and host a large *Seudas mitzvah* in a *shul* when there is no other suitable place available.²⁹ For example,

- The Mishna Berura³⁰ writes that one may make a *seudah* for a *siyum ha'Shas* in a *shul* when there is no other suitable place available.
- Rav Moshe Shternbach³¹ writes that the custom is to eat *Shalosh Seudos* in *shul*, because it is a *seudah mitzvah* and if everyone would go home to eat, they would not have the opportunity to sing *zemiros* and hear *divrei torah* like they would in *shul*.³²

However, there are other *Seudos* which are held in a *shul* that the *poskim*³³ find questionable, such as a *Shevah Berachos*, *Bris Milah*, or *Kiddush* for a daughter. Since these *Seudos* can be made elsewhere we cannot apply the leniency of the Ramban.³⁴ Rav Moshe Shternbach³⁵ writes "Why should we defile the holiness of our *Bais Hakneses* by making a *Seudas Sheva Berachos* in a *shul* when it can be made elsewhere."³⁶

Speaking idle speech at a *Seudas mitzvah* in *shul*. The Kaf haChaim³⁷ writes that "even if one does eat a *Seudas mitzvah* in a *shul*, one must be careful not to talk idle speech or the like, G-d forbid, rather only *divrei torah* and *zemiros*." Similarly, Rav Moshe Shternbach³⁸ writes that "even when making a *Seudas mitzvah*, it is inappropriate to speak idle speech, even when the *shul* was built with a *tenai*, as it degrades the holiness of the *Bais Hakneses*." He adds,³⁹ "It is common knowledge that when a *Seudas mitzvah* is held in *shul* that people will be speaking idle speech throughout the entire *Seuda*. This is prohibited according to all opinions, and it defiles the holiness of our *shuls*. Therefore, it is befitting for all *Batei Keneisios* to build a separate room that is designated for celebrations and *Seudos* of *dvar mitzvah*, and thereby avoid mixing the holy with the mundane. Then we would guard the holiness of our *Batei Keneisios* and our prayers would ascend to heaven and hasten the coming of *Mashiach*."

3) Sleeping in *shul*

One may not sleep in a *Bais Hamedresh*, as doing so is degrading to the holiness of the *Bais Hakneses*.⁴⁰

Leniencies

Sleeping in *Shul* is not as degrading to the holiness of a *shul* as the first category of frivolous activities (such as joking or idle talk), and therefore there are some leniencies which apply:

1. Taking a short nap. The *Shulchan Aruch*⁴¹ writes that one may take a short nap in a *Bais Hamedresh*.⁴² The Mishna Berura⁴³ explains that since people study in a *Bais Hamedresh* for an extended period of time and it is difficult to refrain from dozing off and thus the *Chachamim* did not prohibit taking a short nap in a *Bais Hamedresh*.⁴⁴

2. Talmidei Chachamim and their students. The Mishna Berura⁴⁵ writes that *Talmidei chachamim* and their students may sleep (even for an extended period of time) in a *Shul*, just as it is permissible for them to eat there.

3. Sleeping for a *dvar mitzvah*. It is permissible to sleep in *shul* for the sake of performing a mitzvah.⁴⁶ For example, the *Shulchan Aruch*⁴⁷ writes that someone who is staying up all night to learn may sleep in the *shul*. Similarly, someone who wishes to enter a *shul* with an infant sleeping in a carriage may do so, because he is doing so to learn torah.⁴⁸

4) Using a *Shul* as a Shortcut

The Mishna Berura⁴⁹ writes that one may enter a *Shul* only to perform a *dvar mitzvah*. Therefore, the *Shulchan Aruch*⁵⁰ writes that one must be careful about the following two prohibitions:

1. Entering a *shul* for one's personal needs
2. Entering the *shul* as a shortcut

We will discuss each of these prohibitions and their respective leniencies.

1. Entering a *shul* for one's personal needs

The *Shulchan Aruch*⁵¹ rules that one may not enter a *shul* for his personal needs. For example,

- The *Shulchan Aruch*⁵² writes that one may not enter a *shul* to call his friend outside.
- If one forgot his personal belonging in a *shul*, he may not enter the *shul* just to retrieve it.⁵³

This halacha applies even if there is no one else in the *Shul*, because entering a *shul* for reasons other than a *dvar mitzva* is a degradation of the holiness of the *shul*.⁵⁴

Leniencies

There are however a couple of leniencies which permit entering a *shul* for one's personal use:

- a. Learning in the *Shul* before attending to one's personal needs.** The *Shulchan Aruch*⁵⁵ writes that if one must enter a *shul* for his personal needs (i.e., get a friend) he should first read or listen to a halacha or Mishna, and then get his friend.⁵⁶ The Mishna Berura⁵⁷ explains that one must learn before getting his friend for if he would first get his friend and then learn it would be obvious that his learning is the unimportant purpose.⁵⁸
- b. Entering for a *dvar mitzvah*.** If the reason for entering the *shul* is for a *dvar mitzvah* one may enter (even without learning). For example,
 - One may enter a *shul* to return or to get a *siddur* or *sefer*.⁵⁹
 - Some say that if someone is asked by some else to call a friend or relative from the *shul*, he may enter the *shul* as he is performing a *dvar mitzvah* by helping the other person.⁶⁰ However, other *poskim*⁶¹ rule that we do not consider this a *dvar mitzvah* and one would need to learn before calling the person.

2 Using a *shul* as a shortcut

The *Shulchan Aruch*⁶² writes that one may not enter a *shul* to use a *shul* as a shortcut.⁶³ Meaning, that if a *shul* has two entrances, one may not walk through the *Shul* to shorten his walk.⁶⁴ The Mishna Berura⁶⁵ writes that this halacha applies to *talmidei chachamim* and their students as well, as they too may not treat the *shul* in a derogatory manner.

Leniencies

There are however some leniencies and situations when one may use a *shul* as a shortcut:

1. Learning in the *Shul* before using it as a shortcut. The Mishna Berura⁶⁶ rules that just as one may enter a *shul* for his personal use, so long as he learns there as well, the same applies for using the *shul* as a shortcut and so long as he learns a little before using it as a shortcut it is permitted. However, other *poskim*⁶⁷ do not agree that this leniency applies to using the *shul* as a shortcut.

2. For a *dvar mitzva*. The Pri Megadim⁶⁸ writes that one may use a *shul* as a shortcut to shorten his way in order to perform a *dvar mitzvah*. However, the Mishna Berura⁶⁹ rules that since the mitzvah is not being performed *inside* the *shul*, but it being used to perform a mitzvah somewhere else, he may not use the *shul* for this purpose.

To help one daven and learn in the *shul*. All agree that one may use the *shul* as a shortcut to enable one to learn or daven in the *shul*.⁷⁰ For example, if someone comes to learn in *shul* and wants to hang his coat in the coatroom, he may walk through the *shul* in order to get to the coatroom. Since his intention is to learn in the *shul* and wants to hang up his coat to aid his learning in the *shul* it is permitted.⁷¹

3. A *shul* which has several rooms. Some *poskim*⁷² rule that if a *shul* has a number of rooms which are connected to each other they are viewed as one large room and walking from one room through another is not considered a shortcut and is permitted.⁷³

33 See Kaf HaChaim 151:63 citing the Sdei Chemed; see also Teshuvos v'Hanhagos 1:158 34 Unless someone is poor and cannot afford to rent a hall for the Bris Millah (Teshuvos v'Hanhagos 1:158) 35 Teshuvos v'Hanhagos 1:158 36 See last week's discussion, where some justify these activities based in the fact that our *shuls* are not made as Batei Keneisios and Batei Medrashos but as "meeting rooms" that do not have kedushas Bais Hakneses at all. 37 151:34 38 Kovetz Moreiah Elul 5759, p. 107 39 Teshuvos v'Hanhagos 1:158 40 Mishna Berura 151:16 explaining the *Shulchan Aruch* 151:3. 41 151: based on the explanation of the Mishna Berura 151:16 42 This halacha applies to a Bais Hamedresh, but not to a Bais Hakneses (*Shulchan Aruch* 151:3). See Mishna Berura (151:16) where he explains why this halacha is more lenient for a Bais Hamedresh even though the holiness of a Bais Hamedresh is greater than a Bais Hakneses. 43 151:16 44 The Biur Halacha (151:3 d"h aval) is in doubt regarding a *shul* that is intended for davening and learning whether in this regard we can consider it a Bais Medresh. See Teffilah Khilchasa 2:15, note 36 where he cites Rav Shomo Zalman Auerbach who said that almost all of our *shuls* are considered a Bais Hamedresh since there is Torah learnt there. 45 151:1 46 *Shulchan Aruch* 519:6; Mishna Berura 519:16 47 519:6 48 Bais Yehuda 9:13, note 21. The Gemara Yerushalmi (Yevamos 1:6) writes that when Rav Yehoshuah ben Chananyah was an infant his mother would bring him to *shul* so that the words of Torah would enter his ears. The Mishna in Avos (2:8) states "Rav Yehoshuah ben Chananyah, fortunate is his youth." 49 Biur Halacha 151:5 d"h lkatzeir quoting the Rambam 50 151:1 and 151:5 51 151:1 52 151:1 53 Bais Yehuda 10:1 54 Bais Yehuda 10:1, note 6 55 151:1; Mishna Berura 151:11 56 The *Shulchan Aruch* (151:1) writes that if one does not know how to read or recite a passuk he should stay in the *shul* for the amount of time that it takes to walk eight tefachim (Mishna Berura 151:13) and then call his friend, because sitting in a *shul* is itself a mitzvah. However, only someone who does not know how to learn or recite a passuk may rely on this leniency, if one knows how to learn or read, he must do so (Bais Yehudah 10:2). 57 151:12 58 See Bais Yehuda (10:4) where he writes that it is questionable whether one may recite the verse as he is walking towards his friend to call him, or perhaps he must first stop and recite the verse so that it is recognizable to others that he is reciting a verse and does not give the impression that his reciting the verse is unimportant. 59 Bais Yehuda 10:6. See note Bais Yehuda 10:6, note 19 that even the Biur Halacha 151:5 d"h lkatzeir only prohibited making a shortcut for a *dvar mitzvah* since the mitzvah is not "inside" the *shul*, but when the mitzvah is inside the *shul* all agree that one may enter. 60 Bais Yehuda 10:7 writes that this is questionable. 61 Bais Yehuda 10:7, note 21 citing others who do not consider this a *dvar mitzvah* since it is for another person and not for an inherent *dvar mitzvah*. 62 151:5 from the Mishna Megillah 28a 63 This includes a Bais Hakneses and a Bais Hamedresh (Rambam Teffilah 11:8) 64 *Shulchan Aruch* ibid 65 151:6 66 Biur Halacha 151:5 d"h laasoso derech 67 Poskim cited in Bais Yehuda 11:7, note 11 68 151, Eishel Avraham 6 69 Biur Halacha 151:5 d"h lkatzeir 70 Bais Yehuda 11:9, note 17 71 Bais Yehuda 11:9 citing Rav Nissim Karelitz 72 Bais Yehuda 11:3 73 However, walking from an ezras nashim through the main *shul* may not be permitted (Bais Yehuda 11:4). Although the two rooms are attached it may still not be permitted since the ezras nashim is on a lower level of holiness than the main *shul* (see Bais Yehuda 11:4, note 8)