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Using a Shul for Personal Use

The Sanctity of a Shul

he Rambam writes that in any location where there reside ten Yiddin, it is incumbent upon the Yiddin of that location to designate and prepare a building that can be used at all times for davening. This location is called a beis haknesses.

A beis haknesses has a certain uniqueness to it. It is not merely a place that happens to be used for spiritual things. The room now has a halachic kedusha to it. Indeed, there are numerous dinim that apply to the remains of a destroyed shul, despite the fact that it is no longer being used as a place to daven. This is because to a certain extent, the kedusha has not left. In fact, Chazal say that all shuls will be transported to Yerushalayim when moshiach comes. This even includes the land that is underneath the shul, since it all becomes kadosh - sanctified. Obviously, this mandates that one treat it and behave within it accordingly.²

 The idea of 'shteeblach' which are found in many locations in a neighborhood, is a relatively recent idea. Years ago, there was one central shul for an entire town, and the shul was built much higher than all the other buildings in the town. It was built in the most architecturally magnificent way.³ When one entered it, he was stricken with a sense of awe. This added to one's perception of being in a makom kadosh and treating it accordingly. Nonetheless, there is no justification for treating our current shuls with any less kedusha.

Yiddin used to travel from all over the world to the Beis Hamikdash, to pour out their hearts to the Ribbono Shel Olam, and to offer their korbanos. It served as the meeting place between man and his Creator. Chazal tell us that with the absence of the Beis Hamikdash, our shuls serve as the wyw of our generation, and our tefilos are a substitute for the korbanos. The beis haknesses is one of the closest things that a person can relate to in lieu of the Beis Hamikdash. One should seize this opportunity to treat it with the utmost respect, enter it with awe and trepidation of the Ribbono Shel Olam, and utilize it as a place to

[.] עי׳ שו"ע סי׳ ק"נ סעי׳ ב׳, ונו"כ שם.

^{4.} עי' מס' מגילה דף כט דנקרא מקדש מעט, ועי' מ"ב סי' קנ"א סק"א. ועי' מס' ברכות דף כו, וע"ע בשו"ע סי' צ"ח סעי' דתפילה במקום קרבן.

pour out one's heart to the Ribbono Shel Olam.

Chazal state that Hakodosh Boruch Hu's divine presence is commonly found in a beis haknesses, and He is there to readily accept one's tefillah (i.e. even when davened biyechidus). Indeed, Chazal state, אין תפילתו של אדם נשמעת אלא בבית הכנסת — a person's tefillah is only readily heard in a beis haknesses.⁶ There are many poskim who maintain that even if one intends to daven biyechidus, he should daven in a beis haknesses, as opposed to any other room.

We find a similar concept with regard to tefillah betzibbur. Chazal tell us that לעולם אין תפילתן של ציבור חוזרת ריקם — the tefillah of a tzibbur will never return unanswered (i.e. even when davened outside of a shul). This too can be explained based on that which Chazal tell us that the *shechina* is present in a place where there are at least ten Yiddin davening.8 Notwithstanding, even if one is davening with ten people, there is an added benefit to convene in a beis haknesses where there is a halachic kedusha present, rather than in an ordinary room. If it does not entail extra tircha, it should definitely be done.9

It has become the widespread custom, to place a ner tamid in a shul, that is constantly lit in honor of Hashem's constant presence that rests in a shul. Additionally, it became the custom to have candles burning during davening, to show honor to the beis haknesses. 10 Some poskim recommend that one should not walk out of a shul with his back to the aron hakodesh. Therefore, when walking out of a shul, one should, upon reaching the doorway, kiss the mezuzah, and walk out backwards. A person should definitely not push to get out sooner.11

It is interesting how Chazal went from one extreme to the other, when dealing with the concept of attending a beis haknesses. Chazal state that any person who lives in close proximity to a beis haknesses and does not attend it, is considered a bad neighbor, and causes his children to go into golus, chas veshalom, because of his conduct.12 In a more positive light, the Gemara relates that R' Yochanon was puzzled upon seeing old people in Bavel, and what perplexed him, was the fact that the blessing for long life was said in regard to people living on the soil of Eretz Yisroel, as the posuk says למען ירבו ימיכם... על האדמה. However, upon discovering that these people arrived early to shul for davening and left late, thus lengthening their stay in shul, he understood why they were blessed with long life.13

After comprehending the sacredness of a beis haknesses, one can relate to the halachos that apply to a beis haknesses on a different level, and thereby aid oneself in adhering to the respective halachos.

The General Acts that are Prohibited in a Shul

The Gemara in Meseches Megilah states that one may not act in a joking manner in a beis haknesses, one may not eat or drink in it. one may not adorn oneself in it, one may not walk into it for no satisfactory purpose, and one may not even enter it to shield oneself from the rain or heat that is outdoors. This is because a beis haknesses cannot be treated as

[.] עי' מס' ברכות דף ו.

מת 6

^{7.} עי' שו"ע סי' צ' סוף סעי' ט', ומ"ב שם ס"ק ל"ג, ועי' הליכות שלמה פ"ה סעי׳ י"ח דהמתפלל ביחידות עדיף שיתפלל בביתו בשעה שהציבור מתפללים, משיתפלל בשעה אחרת בבית הכנסת, עי"ש.

[.] עי' מס' ברכות דף ח, ועי' ברכות דף ו.

^{9.} עי׳ מ"ב שם ס"ק כ"ו, ושמעתי מהגר"י בעלסקי שליט"א דאם יש לו מנין שהוא יכול להתפלל עמהם שלא בבהכנ"ס, ויהיה לו טרחה ללך לבהכנ"ס יכול להתפלל עמהם, וא"צ להטריח את עצמו אחר כל מעלה שבעולם, ועי׳ אישי ישראל פ"ח הערה ח׳ שהאריך בזה.

ועי' שו"ע סי' קנ"א סעי' ט' ומ"ב שם, ועי' מ"ב סי' תקי"ד ס"ק ל"א, ועי' 10. בה"ל שם, ועי' שו"ת יחוה דעת ח"ה סי' ס' שכתב לגבי נר נשמה דמהני נר חשמל, ועי' שו"ת באר משה ח"ז סי' ב'.

^{11.} עי' מג"א סי' קל"ב סק"ו, ועי' באה"ט וכה"ח שם, ועי' כה"ח סי' צ"ג סק"ה, ובענין מה שנוהגים הרבנים לדרוש ברבים ואחוריהם אל הארון, עי׳ ט"ז ביו"ד סי׳ רפ"ב סק"א דשרי, ועי׳ שו"ת מנחת יצחק ח"ה סי׳ ע"ח, ועי׳ שו"ת חלקת יעקב ח"ג סי' קל"ב, ועי' שו"ת יחוה דעת ח"ג סי' י"ט.

^{12.} עי' מס' ברכות דף ח, ועי' שו"ע סי' צ' סעי' י"א, ועי' מ"ב שם ס"ק ל"ח שאפילו אין שם מנין בעשרה בבהכנ"ס נקרא שכן רע אם לא נכנס לשם, ועי׳ פמ"ג שמסתפק בדבר, עי"ש.

^{.13} שם.

a place for personal use, and must be treated as a מקרש מעט 14

The Three Levels of קלות ראש

The poskim group the mundane activities that are performed in a shul into three categories. The three categories represent different levels of קלות ראש — light-headedness that are improper when conducted in a shul, since it degrades the kedushah of the shul. Each respective category restricts one's actions to a different level. 15

Joking and fooling around in a frivolous manner is considered the highest degree of קלות ראש, and should never be done in a *shul* under any circumstances. This category is referred to as קלות ראש ביותר.

The less severe category is referred to as אַלוּת ראש קצח. Included in this category, are activities such as eating and drinking in a shul, and entering the shul due to the weather. Although eating and drinking itself is not classified as אַלוּת ראש when performed outside of a shul, nevertheless, when one does eat or drink in a shul, it degrades the kedusha of the shul. 16 These activities are prohibited in a shul under normal conditions, but are permitted in certain instances, as will be explained later in this chapter.

Normal activities that are not an outright lack of respect to a *shul*, constitute the least level of קלות ראש. The *poskim* refer to this as על כל כך. The *poskim* refer to this as activities are, nevertheless, prohibited in a *shul*. However, we will discuss later on, certain instances in which such activities are permitted.

Eating and Drinking in a Shul

Although under normal circumstances one is forbidden to eat or drink in a *shul*, nevertheless, a *talmid chacham* is permitted to eat in the *beis medrash* where he learns on a steady basis. This is because the *beis medrash* where a *talmid chacham* learns is considered to be his own home. It is recommended that a *talmid chacham* rely on this *heter*, only if leaving the *beis medrash* will result in *bitul Torah*. This is because the issue of whether a *talmid chacham* can be totally lenient, is a *machlokes haposkim*. ¹⁸

In order to qualify as a *talmid chacham* as far as this *halacha* is concerned, it suffices for one to know even a diminutive amount of *Torah*. However, all *poskim* agree that this *heter* of being lenient, only applies to a person who learns in that location on *a steady basis*, and only with regard to a *beis medrash* and not to a *beis haknesses*.¹⁹

A person who is learning or listening to a shiur in a beis medrash, but does not meet the requirements mentioned above to permit him to be lenient and eat or drink in a beis medrash (e.g. one who does not learn there on a steady basis) and has become thirsty, may be lenient and drink some coffee or water, so that he should not have to interrupt his learning. (With regard to people who are not learning in the beis medrash, please see the footnotes regarding whether they too may be lenient and drink some coffee or water in the beis medrash).²⁰

It need not even be mentioned, that even according to those who do permit a talmid chacham to be totally lenient with regard to eating and drinking, a talmid chacham is still prohibited to conduct himself

^{.14} עי' מס' מגילה דף כח.- כח:

^{15.} עי' ילקוט יוסף ריש סי' קנ"א באמצע הערה ה' שם, ועי' בה"ל שם.

^{16.} עי' בה"ל סוף סי' קנ"א.

^{17.} עי" בה"ל שם ד"ה לא מהני תנאי, ועי"ש מה שהקשה על המג"א, מ"מ עי"ש בסוף הסי" שנוטה להלכה כהמג"א.

[.] עי' שו"ע סי' קנ"א סעי' א', ומ"ב ובה"ל ושעה"צ שם. 18

^{19.} עי' הגהות מהרש"ם באורחו"ח אות ד' (מובא בספר צדקה ומשפט פי"ב הע' יד) בשם הרשב"א שאפילו מי שיודע קצת ללמוד דינו כת"ח לענין זה, וע"ע אג"מ ח"א סי' מ"ה שכתב כעין זה, ועי' פרישה דדוקא בבה"מ שהוא לומד שם מותר, ומש"כ בפנים שדוקא אם למד שם בקביעות מותר כן משמע מבה"ל ריש סי' קנ"א לגבי שתית מים, וכן משמע ממ"ב ס"ק ט"ז לגבי שינה.

in a way that is considered to be קלות ראש ביותר (i.e. talking idly or joking around).²¹

Entering Due to the Weather

One is forbidden to enter a shul to protect oneself from a thunderstorm, to escape the overbearing heat outside, or to protect oneself from the cold. This is because one is displaying an outright lack of kedushas beis haknesses by utilizing its structure, and using it as a shelter. However, one is not required to loose out on behalf of kedushas beis haknesses. Therefore, the Mishnah Berurah permits one to enter a shul to protect oneself from the rain, if there are no other buildings to enter. When entering the shul, some poskim suggest that one should learn a little bit, or at least say a posuk, if possible. However, if one can find shelter elsewhere, one is forbidden to enter the shul, even if entering the shul is more convenient.22

Additionally, if one was thinking in learning outside, and it started raining, he may enter the *shul*, so that he can better concentrate on the learning. However, the *Mishnah Berurah paskens* that one may not enter a *shul* even if he intends to learn inside, if he had not already been thinking in learning outside, and there is another building nearby where he can seek shelter, since his main intention is to spare himself from the rain.²³

Sleeping in a Shul

One is forbidden to sleep in a *shul*, even if one is merely taking a short nap. However, some *poskim* permit one to take a short nap in many of our contemporary *shuls*, since there

are people who learn there throughout the week, and consequently, it takes on the status of a beis medrash. However, a longer sleep is forbidden. Talmidei chachamim who learn in that location on a steady basis, may even sleep for an extended period of time – שינת קבע.²⁴

Eulogizing a Deceased in a Shul

One of the few things that the Gemara lists as being forbidden in a shul, is saying a hesped for a niftar. Although there is no kalos rosh involved in a funeral, nevertheless, using a shul for any other purpose degrades the kedusha of a shul. However, the Gemara distinguishes between a funeral for a big talmid chacham and an ordinary person. A funeral of a talmid chacham, where there is a large multitude of people, and the use of the shul is needed to accommodate the many attendees, may be held in a shul, because one is not required to loose out due to kedushas beis haknesses, and the act of saying a hesped is not considered a breach in the kavod of the beis haknesses. The funeral of an ordinary individual, on the other hand, where it is possible to use a different location since there are not as many people attending, may not be held in a shul. Some poskim maintain that the funeral for the wife of a talmid chacham or the funeral for an askan bitzorchei tzibbur - a public activist, may also be held in a shul to accommodate the many people attending.²⁵ In most instances, the deceased should not be brought into the shul, but should be left in a hallway outside, with someone watching over it.26

^{.21} עי' מ"ב שם סק"י, ועי' בה"ל שם.

^{22.} עי" שו"ע שם סעי" א' ומ"ב סק"ד, וכשליכא בית אחר מותר, עי"ש, והוא דומיא לכל מצות עשה דאין מחויב לבזות יותר מחומש בעבורו (כך הסביר הגר"י בעלסקי שליט"א), אבל כשליכא בית אחר טוב לומר פסוק כיון דאם אפשר לקיים שניהם, לכנס לצרכו וגם לצורך המקום, טוב יותר לקיים שניהם, כדחזינן בכל המצות עשה שאינו מחייב לבזות עליו. אבל כשאיכא בית אחר אסור אף אם יאמר פסוק כיון דעיקר כוונתו להציל מהגשמים, ואמירת הפסוק רק מועיל אם מעיקר דדינא מותר לכנס שם, כיון שיש חסרון אצלו וא"צ לבזז בעבורו, אבל כשליכא בית אחר אין שום חסרון אצלו, ואכמ"ל.

עי' ר'. שם סק"ר, ועי' שעה"צ שם סק"ב, אכן עי' ערוה"ש שם סעי' ר'. 23

^{24.} עי' שו"ע סע' ג', ומ"ב ובה"ל שם, ועי' באה"ט סי' קנ"ג סק"ב רבהכ"נ דידן שקובעים שם מדרש בלימוד שעה אחד דינו כבית המדרש, אכן עי' כה"ח שם סק"ה, עי' א"ר סי' קנ"א סק"ו בשם השל"ה דמי שישן בשעה שהחכם דורש בבהכ"נ יש כאן שתי עבירות בידו, עי"ש.

^{25.} עי' מס' מגילה דף כח: ורש"י שם, ועי' שו"ע סי' קנ"א סעח' א' ומ"ב שם סק"י, ועי' יו"ר סי' שר"מ סעי' י"ט.

^{26.} עיי יו"ד סעי' כ' דמשמע שרק מותר למי שהוא חכם ואלוף וגאון, ועי' בחכ"א כלל קנ"ה סעי' י"ח ועי"ש בסעי' ט"ז שרק להגר"א היה מותר בחכ"א כלל קנ"ה סעי' י"ח ועי"ש בסעי' שו"ת מהר"ם שיק יו"ד סי' לעשות כן, אבל לאחרים אין לעשות כן, ועי' שו"ת מהר"ם שיק יו"ד סי' שמ"ה שהסכים עמו, ועי' שו"ת מלמד להועיל יו"ד סי' ק"ו.

Entering the *Shul* for Personal Reasons

One is forbidden to enter a *shul* for no purpose at all. However, if one has a legitimate reason as to why he must enter the *shul*, he may do so. Therefore, one who has to call his friend who is sitting in the *shul*, may do so. However, in order so that it should not appear as though he is entering the *shul* solely for a personal reason, he should say a *devar halacha* or *posuk*, prior to calling his friend. If one cannot say a *devar halacha* or *posuk* he should at least sit down for a moment in the *shul*.²⁷

One should not use a shul as a shortcut between two locations. If there is another way to get to his desired location, he should utilize the other way. However, if there is no alternative route, he is permitted to cut across the shul, and he should say a posuk, as mentioned above.28 This entire halacha forbidding one to use a shul as a shortcut, is limited to one who is standing outside the shul, and is contemplating about entering the shul and using it as a shortcut. However, one who was davening or learning inside a shul, may definitely exit via a door that is closer to his destination. Interestingly, Chazal say that preferably a person should exit a shul from a different door than the one in which he arrived through. By doing so, one shows that the beis haknesses is dear to him.29

One who needs to remove a *sefer* or *talis* from a *shul*, may enter the *shul* for that purpose. He, too, should recite a *posuk*. Similarly, one who wants to return a *sefer* may

27. עי" שו"ע שם סוף סעי" א", ועי" מ"ב שם. יש נידון בהפוסקים אם צריך ישיבה דוקא או שהייה בעלמא סגי, עי" ב"ח וב"י שם, ועי" לשון של השו"ע, ועי" כה"ח סק' כה. ובפנים כתבנו לישב, כדי שיהיה בלי פקפוקים.
12. עי" שו"ע שם סעי" ה", ועי" בה"ל שם, אכן עי" אור שמח הל' תפלה פי"א הל' י", וכ"פ הגרש"ז אויערבך זצוק"ל בהליכות שלמה דף רל"ב, ועי" ציץ אליעזר בחי"ב סי" ט"ז וח"ט סי" י"א, ועי" שו"ע שם דאם היה מוחזק בדרך מותר לקצר דרכו, ושמעתי מהגר"י בעלסקי שליט"א דאם היה מוחזק בדרך וליכא מרעות עין א"צ לומר שום פסוק משא"כ אם לא היה מוחזק בדרך, ואכמ"ל. עי" בריטב"א במס" מגילה דף כז, וכסף משנה הל' תפלה פי"א ה"ח, דאע"פ שמותר למי שמוחזק בדרך לקצר דרכו, מ"מ אין ראוי לעשות כן.
לעשות כן.

enter the *shul*.³⁰ Some *poskim* say that if one is returning the *shul*'s *sefer*, there is no need to say a *posuk*, since his entrance is considered *tzorech beis haknesses*.³¹

Living Above a Shul

One should preferably avoid having an apartment above a *shul* with people living in it. Some poskim are more lenient and permit it, but care should be taken that there should not be any bathrooms or bedrooms in the area that is above the aron hakodesh. Additionally, there are some *poskim* who draw a distinction between an apartment that came about only after the shul was built, which would be forbidden, and a shul that was either built underneath an established apartment or that already had living quarters above it, which would be permitted. The latter is permitted, because the area above the shul never became sanctified.³² The Taz maintains, that even if the area above the shul did not become sanctified, nevertheless, one should not establish an apartment there. The reason for this is because by having people live there, it is very common that it will not be maintained in the most clean and sanitary manner, and it will obstruct the tefilos from ascending towards shomayim. This is especially true when there are children around. Indeed, the Taz writes that he always chastised himself for living on top of a shul for a period of time while he was a Rov in a certain city, and claimed that it was because of this, that he unfortunately lost some of his children during his lifetime. Most poskim reject the Taz's reasoning that it impedes the tefilos from ascending, but nevertheless maintain that one should be stringent in this regard, or at least refrain from having a bedroom or bathroom above the aron hakodesh, since it is degrading to have a permanent dwelling above a shul.33 Some poskim suggest that this

^{.30} שזה דומה לקפנדריא כיון שיש כאן צורך.

^{31.} שזה נקראת צורך בהכנ"ס שמבואר שם בסעי' ד', והתם א"צ לומר שום פסוק.

[.] 32. עי' שו"ע ורמ"א בסעי' י"ב, ומ"ב שם.

^{33.} עי׳ טו"ז שם סק"ד, אכן עי׳ שעה"צ שם שכתב דעיקר סברתו אינו מוכרחת כלל, ועי׳ ספר חיי משה שהראיך בזה.

entire *halacha* is only applicable if the residence is *directly* above the *shul*. If it is two or more stories above the *shul* it is not forbidden. However, they maintain that one should preferably be stringent even in such an instance.³⁴

Shuls in Chutz La'aretz

Many people are under the impression that all the halachos that pertain to kedushas beis haknesses, do not apply to our contemporary shuls in chutz la'aretz, for they are built on a תנאי, a condition, that allows one to conduct himself in any manner in which he pleases. However, this is not so for several reasons.

Firstly, most Rishonim maintain, and the opinion of the Shulchan Aruch is, that the condition on which shuls in chutz la'aretz have been built, only mitigates the amount of kedusha a shul normally retains after it has been destroyed, thus permitting one to perform some additional activities at that location. We mentioned earlier in this chapter, that even after a shul is destroyed, it still retains a certain amount of kedusha, thus prohibiting one from performing certain activities there. (It is beyond the scope of this publication to delve into the latter issue.). However, these Rishonim maintain, that despite the fact that the shul might have been made on a condition, the תנאי does not alter the halachic kedusha that exists while the shul is still standing.

Although there are some Rishonim (Rashi and the Ohr Zaruah) who maintain that the מנאי does help even while the shul is in existence, the poskim do not rule accordingly.

However, there is one opinion among the Rishonim that the poskim seem to accept, in combination with Rashi and the Ohr Zaruah, and that is the shitah of the Ramban. The Ramban maintains that a תנאי helps to limit the kedushah even while the shul is still functioning, but only in cases of extreme

.34 עי' הליכות שלמה דף רל"ב בהערה י' שם

necessity. He maintains that poor people who have nowhere to eat, may eat in a *shul*. It follows, that when one considers whether his predicament is one of extreme necessity to permit him to use the *shul* for personal use, he must consider whether it can be compared to the genuine need of poor people eating in the *shul*.³⁵

Please note, that the entire preceding discussion only pertains to conduct that is considered קלות ראש קצח (e.g. eating and drinking). However, the Magen Aurohom maintains, that all Rishonim would permit activities that are included in the third category mentioned earlier in this chapter (i.e. שאר שאר), which entail the least amount of קלות ראש כל כך Furthermore, according to all opinions, a תנאי does not permit conduct that is considered to be קלות ראש ביותר (e.g. joking and fooling around).

It is very important to mention a crucial point with regard to relying on the condition, even in cases of extreme necessity. There is a machlokes haposkim whether the תנאי has to be explicitly made while building the shul, or if there is a general rule that all shuls in chutz la'aretz are automatically built on a תנאי. Therefore, if one's shul was not explicitly built on a תנאי, it further complicates the issue of whether one can rely on it, even in cases of necessity.37

Shuls in Eretz Yisroel

Lehalacha, it is very difficult to permit one to perform mundane activities in a shul that is situated in Eretz Yisroel, (i.e. even reagrding activities that are considered to be the least amount of קלות ראש). The reason for this is because the whole idea of relying on the fact that shuls are automatically built on a תנאי, is only applicable in chutz la'aretz. In Eretz

^{35.} עי" טור וב"י בסי' קנ"א, ועי' שו"ע שם סעי" י' וו"א, ועי' מ"ב ובה"ל שם, ועי' מ"ב סק"ה, ושעה"צ שם ובה"ל שם ד"ה וי"א, ובה"ל לקמן בסי' זה ד"ה אבל, שנראה שפסק כהרמב"ן, וכן משמע מהט"ז ומהגר"א בסק"ה, ועי' אג"מ או"ח ח"א סי' מ"ה.

^{.36.} עי' בה"ל סוף סעי' י"א.

[.] עי' שעה"צ שם סק"ר וסק"ו, ועי' מ"ב ס"ק ל"ב, ושעה"צ שם ס"ק י"ט. 37

Yisroel, however, a תנאי will only help, if it was made explicitly while building the shul. Therefore, prior to being lenient with regard to any mundane personal, even in cases of extreme necessity, one has to verify whether the shul was built on a condition. This is normally only possible with respect to recently built shuls, whereas with regard to ancient shuls, where there is no way to determine whether it was built on a condition, must be treated with the full respect that a shul ought to be given.³⁸

There was once an article published that was titled "Shoot Me At The Kosel". The article was describing the lack of respect that is portrayed at the Kosel. How people go to the Kosel soley to pose for picture. People treat one of the most sacred locations as a mere tourist site. Aside from the hashkafic aspect of such behavior, it is halachically questionable. The area of the Kosel that is roped off and designated as a place for davening, has, in all probability, the full status of a beis haknesses that is situated in Eretz Yisroel. Since, as mentioned above, the concept of automatically relying on a תנאי does not apply in Eretz Yisroel, the Kosel area should be treated with the respect that it ought to be given. In addition, posing for pictures alongside the Kosel may be considered קלות ראש ביותר, which would be prohibited even in a shul located in chutz la'aretz, irrespective of a תנאי. One should keep this in mind when having the supreme merit to visit the Kosel, a place that for centuries, gedolim (e.g. the Chofetz Chaim and the Vilna Gaon) yearned to get a mere glimpse at, but were unable to do so. We, who have the privilege to be able to do so, should treat it with the utmost respect that is required.39

Talking in a Shul

One is forbidden to talk in a *shul*, even if it is not during *davening*. This is because one is degrading the kedusha of the *shul*. The

Mishnah Berurah points out that this halacha refers to speech that has a purpose to it (e.g. business). He writes that general idle talk that has no purpose should be avoided at all times, even outside a shul.40 The Aruch Hashulchan counters that if this is such a blatant halacha. then why are people so lax about it and talk in a shul? As a means of justification, he writes that people view what they have to say and when they want to say it, as being of utmost importance. He therefore writes, that perhaps they are relying on the Ramban's opinion, which permits conduct that is of extreme necessity to be performed in a shul. The people view their talking as being an extreme necessity, and can't survive even a short while without it.41 Obviously, this is a response to an extreme need for justification, and one should definitely try to avoid speaking in shul as much as possible. In fact, the Arizal did not even talk divrei mussar in a shul, for fear that perhaps this may accidentally lead him to talk mundanely in shul.42 Although one need not accept the stringency that the Arizal placed on himself, one should try to refrain from idle talk in a shul, even not during davening.

Having Functions in a Shul

Kiddushim for a יאר צייט, a *Bar* or *Bas Mitzvah,* an *Auf Ruf,* a Newborn Baby Girl, and *Seuda Shlishis*

It was mentioned above that one is forbidden to eat or drink in a *shul*. However, one is permitted, in many instances, to make a seudas mitzvah in a *shul*. It is questionable, however, for one to make a kiddush in a *shul*. The reason for this is because many of our *kiddushim* may not qualify as full-fledged *seudos mitzvah* to allow them to be catered in a *shul*. This raises the question of making a kiddush for a יאר צייט or for a newborn baby

^{.8%.} עי' בה"ל בסעי' י"א.

^{. .} עי׳ ילקוט יוסף בח"ב שהאריך בענין קרושת כותל המערבי.

^{.40} עי' מ"ב סק"ב.

[.] עי' ערוה"ש שם סעי' ה'. 41

^{42.} עי' מג"א שם, ועי' מ"ב סק"י, ועי' ילקוט יוסף סי' קנ"א סק"ד שהאריך בחומר איסור הדיבור בבהכנ"ס ובשעת תפילה ומהו הכפרה והתשובה לחטא זה.

girl. Although these seudos are time-honored customs, they are not classified as seudos mitzvah to allow them to be made in a shul. Perhaps, a seudas bar mitzvah or an auf ruf may not either qualify as a full-fledged seudas mitzvah to allow them to be catered in a shul.43 Even though kiddushim are usually held on Shabbos, nevertheless, there are differing opinions among the poskim whether they can be considered seudos mitzvah because of this. (It is for this reason, some shitos maintain, that poor people who used to eat and sleep in shuls, in most instances, did not eat or sleep in the main shul, but in a side room, even on Shabbos.)44 In addition, the custom to have seuda shlishis in shul on Shabbos is questionable.

Although there are some grounds to permit making these functions in a *shul* in certain instances, nevertheless, a *shul* should cater all functions in a separate room, if possible.⁴⁵

Fundraising Dinners

Rav Yaakov Kamenetzky zt"l permitted having fundraising dinners in a *shul*. The reason for this is because the *Shulchan Aruch* permits one to do things in a *shul* if they are letzorech beis haknesses. Therefore, Rav Yaakov ruled that since having a fund raising dinner is *letzorech beis haknesses*, it may be held in a *shul*.⁴⁶

יאר צייט L'chaims

Although we mentioned above that having a יאר צייט kiddush in shul is very questionable, nevertheless, some poskim permit one to have a יאר צייט l'chaim in shul during the week after shacharis. Some maintain that the source of the minhag to have a יאר צייט l'chaim in the morning in shul, is based on the fact that originally there was a widespread custom to fast on the day of a יאר צייט, but one was able redeem such a fast by serving a meal to עניים. Based on this, it became the custom to serve a l'chaim to people who are on the run and are rushing to work in the morning. This is viewed as a סעורת עניים, because workers rushing to work don't have enough time to eat. Consequently, one may rely on the Ramban's view mentioned above that permits a סעודת עניים in a shul.47

Performing a *Chupah* Inside a *Shul*

It was mentioned above that one is not permitted to use a *shul* for personal use, and as was discussed earlier in this chapter, even saying a *hesped* on a *niftar* is normally forbidden in a *shul*. Nevertheless, the performance of a *chupah*, which is a full-

^{43.} עי' אג"מ או"ח ח"א סי' מ"ה, ובענין בר ובת מצוה עי' אג"מ או"ח ח"א סי' ק"ד, ושם בח"ב סי' ל" וסי' צ"ז, ושם בח"ד סי' ל"ז, אכן עי' שו"ת יביע אומר ח"ו סי' כ"ט, ושו"ת יחוה דעת ח"ב סי' כ"ט.

^{4-4.} עי' תוס' במס' מגילה דף כח, ועי' תוס' ורא"ש במס' ב"ב דף גי, וכן איתא בשער מקומות, אכן עי' שעה"צ שם ס"ק י"ד דמשמע לפי נוסח אחד בירושלמי הוי סעודת מצוה, ועי' דעת תורה סי' קנ"א סוף סעי' א' בשם האו"ז דסעודת שבת דהוי סעודת מצוה, ועי' ילקוט יוסף שם סק"ז, ועי' האו"ז דסעודת שבת דהוי סעודת מצוה, ועי' ילקוט יוסף שם סק"ז, ועי' אג"מ או"ח ח"א סי מ"ה דמשמע דסעודה שלישית אינו פשוט כ"כ דהוי סעודת מצוה גמורה להתירו לאכול בבהכנ"ס, ועי' מג"א שהביא המ"ב בסק"כ שמשמע שלא היה לו הגירסא בירושלמי שאכלו סעודת שבת בבהכנ"ס, ועי' פב"ח ס"ק ל"ד בבהכנ"ס, ועי פמ"ג שפסק כהמג"א, ועי' בערוה"ש שם, ועי' כה"ח ס"ק ל"ד שדוקא סעודת סיום דהוי סעודה קטנה, אבל סעודת ברית מילה ופדיון הבן אף שהם סעודות מצות גמורים, מ"מ אסור לעשותו בבהכנ"ס כיון שהם סעודות גדולות, עי"ש.

אם שם בענין סעודה שלישית, ועי' ציון הנ"ל מה שהאריכו אם .45 סעודת שבת נקרא סעודת מצוה להתירו בבהכנ"ס, איתא ברמב"ם בהלכות שבת פ"ל הל' י' בזה"ל, אלא כך היה מנהג הצדיקים הראשונים מתפלל אדם בשבת שחרית ומוסף בבית הכנסת ויבוא לביתו ויסעוד סעודה שניה וילך לבית המדרש יקרא וישמע עד המנחה ויתפלל מנחה ואחר כך יקבע סעודה שלישית על היין ויאכל וישתה עד מוצאי שבת, עכ"ל. ויש מדקדקים בלשון הרמב"ם שכתב "ויבוא לביתו ויסעוד" רק בנוגע סעודה שניה ולא כתב זה בנוגע סעודה שלישית, ומשמע שהיה סועדים בבית המדרש, מ"מ אולי יש לדחוק שאפשר היה אוכלים בחדר הסמוכה לבית המדרש, וכל המצי למידק הוא שהמנהג לא לחזור לביתו לסעודה שלישית הוא מנהג ישן, אבל למידק שהמנהג היה לאכול בבהכנ"ס אין פשוט כ"כ, ויש לעיין דאולי יש צד להתיר לעשות סעודה שלישית בבהכנ"ס אם יש מי שדורש שם בעניני תורה דאולי יש כאן היתר של ת"ח מותרים לאכול בבית המדרש, ועוד אם הקידושים מביא כסף להבהכנ"ס ממה שמשלמין הנדבים אולי זה נקרא לצורך בית הכנסת שמותר לאכול בבהכנ"ס עי' ציון 46 לקמן, ועוד עי' ציון 53 שהאריכו אם שייך לקבוע שהבהכנ"ס לא תהיה שום קדושה, ויהיה כבית בעלמה, ואם אז יהיה מותר לערוך כל הקידושים בבהכ"נ.

^{46.} עי' הגהות אשרי ריש מס' ב"ב דף גי, ועי' שו"ע סי' קנ"א סעי' ד', וכך שמעתי מהגר"י בעלסקי שליט"א בשם הגר"י קמנצקי זצוק"ל.
47. עי' שדי חמד מערכת בהכנ"ס אות מ' שאסור לעשות יו"צ לחיים בבהכנ"ס, ועי' בצדקה ומשפט פרק י"ב הערה י"ט שמביא כמה פוסקים שסברו שמותר ע"פ מה שמבואר לקמן בציון 53 דאולי אין בו שום קדושה לבתי כנסיות שלנו, אכן שמעתי מהגר"י בעלסקי שליט"א שא"צ לבא להיתר זה רק לענין קידוש גמורה שעושים בעבור יו"צ, אבל מה שאנו נוהגים לעשות יו"צ לחיים המקור הוא ע"פ כמה מדרשים, וכן איתא בכמה ספרים והטעם הוא כמו שמובא בפנים, ולפיכך מותר לעשות אותו אף בבהכנ"ם.

fledged *mitzvah*, may be performed in a *shul*.⁴⁸ If one is performing a *chupah* in a *shul*, extreme care should be taken to retain the proper decorum that a *shul* ought to be given.

The general custom is to perform the *chupah* either completely outdoors or under an open roof. The reason why we perform the *chupah* under the stars, is because it is a *siman* tov for one to have many children, just as the stars are many in the sky.⁴⁹ The *poskim* discuss whether it would be prohibited to perform a *chupah* in a completely closed building or in a *shul*, since it may seem that one is copying the ways of the *goyim* who perform their weddings indoors, in their houses of worship.

Indeed, during the times of the haskalah movement when there was an attempt to uproot the ancient Yiddishe customs and to modernize them in accordance with the secular world, the Chasam Sofer and other prominent Rabbonim of that time, signed a proclamation prohibiting the performance of a chupah in a shul. This was done in order to counter the efforts of the maskilim who started to change the present custom of performing chupahs outdoors, and started to perform them inside their synagogues, taking on the practice of govim who perform their marriages in their churches. Rav Moshe Feinstein zt"l writes that nowadays there is no problem in making a chupah indoors or in a shul. Rav Moshe explains that since it is obvious that one's intention is not to follow the govim, it is permitted. Additionally, one is permitted to play music in honor of the *chupah* ceremony. All instuments may be used while in the shul except the organ. (See Chapter 29: "Adapting the Customs of Akum" for a detailed discussion on this topic).50

Upsherens

Some poskim permit one to have an upsheren in a *shul*, if one is unable to have it elsewhere. This is because the first haircut of a child, when his *payos* are visibly formed, may be considered somewhat of a *mitzvah*.⁵¹

Summer Resorts

There are bungalow colonies and other similar resorts that hold choir practice, night activities, plays, etc. in a *shul*. This is similarly very questionable, and may only be permitted if the *shul* was set up with the intention that no *kedusha* should take effect on it, as will be explained in the next paragraph.⁵²

The Justification

Some poskim suggest that one of the only feasible explanations for conducting activities in a shul, is because the shul was established only as a place for davening, with no intention for it to become sanctified. However, this approach is questionable, since many shuls have made major חנוכת הבית ceremonies, thus promoting it as a makom kadosh. Additionally, if shuls are to be regarded as not possessing any kedusha, it would lose the tremendous advantage of being a place that has a halachic kedusha. Thus, davening with a minyan in a *shul* would be no different than davening in an ordinary house, in contrast to what we discussed earlier in this chapter.53

^{48.} עי' אג"מ יו"ד ח"ב סי' צ"א, ועי' שו"ת חת"ס אב"ע ח"א סי' צ"ח שכתב שבימי המהרי"ל היה רגילין לעשות שני חופות אחד בבהכנ"ס ואחד בחצר בהכנ"ס תחת השמים אבל מדינת אלו שלא נהגו לעשות שתי חופות יש לעשות רק תחת השמים ולא תחת תקרה, ועי' פ"ת בסי' ס"א ס"ק י"ב.

[.] .49. עי*י* רמ"א באבה"ע שם.

^{50.} עי' שו"ת חת"ס הנ"ל, ועי' אג"מ אב"ע ח"א סי' צ"ג, ועי' יביע אומר ח"ג אב"ע סי' י' שאין קפידה לפי מנהג אנשי ספרד אם יעשה החופה תחת תקרה וגם מותר לעשותו בבהכנ"ס בלבד שינהגו בכבוד גדול שם, ובענין כלי זמר בבהכנ"ס עי' שו"ת מלמד להועיל או"ח סי' ט"ז שהאריך בזה, ועי'

שו"ת חת"ס ח"ו סי' פ"ו ושם בחו"מ סי' קצ"ב ד"ה ומה, ועי' אג"מ או"ח ח"ב סי' ל', ועי' מנחת יצחק ח"ה סי' צ"ז.

יי, יוע במוווג בווק ווווס ביו. 51. עי' כה"ח סי' קנ"א ס"ק מ"ה מש"כ בשם השר"ח אות ו'.

^{.51.} על כה חס" קנ א ס ק מ ה מש כ בשם השד ח אות ו".
.52. זה בכלל קלות ראש ביותר ולא מהני תנאי לזה לכל השיטות.
.53. ע" אג"מ או"ח ח"א ס" ל"ו, ע" בה"ל בסע" "א שהביא קשיא מהמג"א דלמה לא מהני תנאי לבהכנ"ס ולמה גרע משאר תשמישי קדושה כגון מטפחת דמהני תנאי, ותירוץ הבה"ל את קושיתו דבהכנ"ס שאני כיון דיש מצוה לכלל ישראל שיהיה להם מקדש מעט בכל מקום שהם, ולכן לא מהני תנאי דאם כן אין שם בית הכנסת עליו כלל, אלא כבית בעלמא, מה שאין כן במטפחת אפילו אם נאמר שאין על המטפחת שם תשמישי קדושה מאי אכפת לן בזה עכתו"ד, והיוצא לנו מזה שהתנאי מבטל הקדושה לגמרי, וא"כ לולא החיוב לקבוע מקום לבהכנ"ס היה התנאי מודיל לעשות שם כל דברי רשות, דהוי כבית בעלמה (וע" מ"ב ושעה"צ בס" קנ"ד סק" ב שממש כתב שם דין זה), וא"כ בעירות שאנו נמצאים ביש בהן הרבה בתי כנסיות ומהם ישיבות שנזהרו בקדושת בהכנ"ס ויש שיש בהן הרבה בתי כנסיות ומהם ישיבות שנזהרו בקדושת בהכנ"ס ויש בהם כל קרושת בית הכנסת, לכן אין כאן חיוב לבנות עוד בהכנ"ס, ולמה

Kissing Children Inside a Shul

The Rema rules that one should not kiss children inside a shul. This is in order to discipline oneself that no love compares to the love of Hashem. The general accepted understanding of the Rema is, that one is forbidden to kiss one's children at all times while in a shul. Rav Moshe Feinstein zt"l, however, maintained that although the wording of the Rema definitely implies that it should be forbidden at all times while in a shul, nevertheless, this halacha was written in hilchos tefilah and not in hilchos beis haknesses. Rav Moshe maintained that it is only forbidden to kiss one's children during davening. Indeed, it is reported that Rav Moshe used to kiss his grandchildren in shul, but not during davening. When he was asked concerning his conduct, he replied as such, that one may do so in a shul, but not during davening.54

לא יועיל התנאי, ושמעתי מהגר"י בעלסקי שליט"א שעל זה סמכו כמה שטיבלעך, ועי׳ כתבי ר׳ הענקן בח"ג שלכן קראו שטיבלעך כדי שלא לזלזל בקדושת בהכנ"ס, ועי' בשו"ת דברי יהושע ח"ב סי' כ (מובא בחיי משה שם). ותו יש למצוא עוד מקור ליסוד זה ממש"כ המג"א בס"ק י"ז על דברי הרמ"א שאיירי בענין קדושת גג של בהכנ"ס, וכתב הרמ"א שם דכל זה דוקא בבהכנ"ס קבוע שנבנה מתחילה לכך, וכתב המג"א שהטעם הוא משום שתנאי מועיל אף בישובו בצורה כזו, ועי' מחצית השקל שם שלדבריו אין חילוק בין גג בהכנ"ס לתוך בהכנ"ס, ואף שיש פוסקים שפליגי על המג"א (עי׳ א"ר מובא במחצית השקל שם), מ"מ עי׳ בערוה"ש שהעתיק את דברי המג"א להלכה מ"מ צ"ע על כל זה, ראיך שייך לקבוע . בנין להיות מקום קבוע להתפלל שם ויעשה שם ארון קודש קבוע, ויעשה חנוכת הבית להראות שהוא בית הכנסת, ולקרותו בשם בהכנ"ס, כשיש כוונה אמיתית בלבו שלא יהיה רק כבית בעלמה שהוכן בתוכו דוכתא לצולי ולא יהיה שם בהכנ"ס עליו כלל, והא הוי תרתי דסתרי, ועוד כל היתר זה בנו על היסור של הבה"ל שהתנאי מועיל לעשותו כבית בעלמא, אבל כל זה רק לחד תירוצה של הבה"ל שם, ועי"ש בתירוץ שני שמבואר שיש בו שם בהכנ"ס עליו רק שהתנאי ממעט את קדושתו, ולפי זה אין בו שום היתר לעשות שם כל דבר בישובו, ואף אם נאמר כתירוץ הראשון של הבה"ל, א"כ אין בו שום מעלה להתפלל שם יותר משאר בתים שאנשים דרים בו, ואין השכינה מצוי שם באופן שהוא מצוי בבהכנ"ס גמורה, לפיכך היותר טוב הוא להכין חדר מחוץ לבהכנ"ס שבו יערוך כל הקירושים (עי' שו"ת תשובות והנהגות,ועי' הליכות שלמה). ובענין יסור זה שיכול לקבוע שלא תחול שום קירושת בהכנ"ס עליו, עי' שו"ת דברי חיים ח"ב בחו"מ סי' ל"ב דהקדושה שיש בשטיבעל בא מטעם שהוא בית ועד לחכמים ואין בו קדושת בהכנ"ס, ועי' שו"ת אמרי יושר ח"ב סי' קצ"ג, ועי׳ שו"ת שואל ומשיב ח"ה סי׳ ס"ג וח"ו סי׳ ג, ועי׳ שו"ת אג"מ הנ"ל, ושו"ת מנחת יצחק חי"א, ושו"ת שבט הלוי ח"ט סי' כ"ט. ת"ח שם סק׳ י' בענין לנשק ידי ת"ח. 54. עי׳ רמ"א בסי׳ צ"ח, ועי׳ כה"ח

בבהכנ"ס, ועי' ספר מגד גבעות עולם מש"כ שם בשם הגר"מ פיינשטיין

Entering a *Shul* with an Exposed Knife or Gun

One is forbidden to enter a *shul* with an exposed long knife or gun. This is because these items are used to shorten one's life, and a *shul* is a place where *tefilos* are offered to lengthen one's life. However, in circumstances where a person is permitted to eat in a *shul* (e.g. a *talmid chacham* learning in a *beis medrash*, or people participating in a *seudas mitzvah*), one is permitted to bring an exposed knife into the *shul* to cut the *challah*. Some poskim maintain that a Jewish soldier who is constantly required to carry his rifle and artillery with him, may enter a *shul* with them. 55

ז צוק"ל.

55. עי" שו"ע סעי' ו', ועי" בט"ז שמרייק שרק סכין "ארוך" אסור לכנס בתוכו, ועי' מ"ב שם, ועי' בה"ל מש"כ בענין ת"ח שמותר לאכול שם. ועי' שו"ת ציץ אליעזר ח"י סי' י"ח, ושו"ת ועי' יחוה דעת ח"ה סי' י"ח בענין אם מותר להכניס עם רובה או אקדח לבהכנ"ס.