

Iyun Halacha is sponsored by the Dr. Philip & Mrs. Leah Mehler Family Foundation

In memory of their parents Dr. Irving & Mrs. Bernice Mehler & Mr. Gedalja & Mrs. Miriam Zupnik

לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

## Proper Conduct in a Synagogue

Rabbi Chaim Yeshia Freeman

*What activities must be avoided in a synagogue?*

*Is there a way to avoid these restrictions when creating a synagogue?*

As we begin to re-enter our shuls, hopefully with a newfound appreciation of their place in our lives, it is worthwhile to review and examine the laws of proper conduct in a *bais knesses* (synagogue)<sup>1</sup>.

**Sources in Gemara and Rishonim:** A *beraisa* (non-Mishnaic teaching of Tannaim) cited in the Gemara (Megilla 28a) discusses a number of halachos regarding proper conduct in a *bais knesses*. The *beraisa* states that one may not act with *kalus rosh* (lit., light-headedness; this refers to flippant behavior and a lack of proper seriousness) in a *bais knesses* (synagogue). The *beraisa*, as explained by Rashi (ibid. s.v. *ain*), goes on to list five activities which fall under this prohibition. 1) One is not permitted to eat or drink. 2) One is not allowed to groom oneself. 3) One is not permitted to take a stroll. 4) One cannot enter for the purpose of avoiding the heat or rain. 5) One may not deliver a eulogy for an ordinary person. The *beraisa* concludes that it is permitted to read the Torah, study Mishna and deliver a eulogy for a Torah scholar in a *bais knesses*.

Afterwards, the Gemara (ibid. 28b) cites a statement of Rav Asi that the shuls in Bavel (Babylon; i.e., the Diaspora) were built on condition to allow such activities; however, there still exists a prohibition to act in a flippant manner in a *bais knesses*. Therefore, concludes Rav Asi, one should not use a *bais knesses* for making business-related calculations. There are three main opinions in the Rishonim regarding what is allowed with this stipulation:

Rashi (Megilla 28b s.v. *al*), as elaborated by Tosafos (Bava Basra 3b s.v. *ailay*), says that the stipulation permits all the five activities mentioned in the aforementioned *beraisa*. However, Chazal were stringent regarding making business-related calculations, as this is considered a higher degree of *kalus rosh*.

The Ramban (Megilla 26b s.v. *veha*) explains that the stipulation permits the five activities mentioned in the aforementioned *beraisa* only for a great necessity. For example, says the Ramban, it is permitted to provide a place for the needy to eat and sleep. The Ramban also writes that Rav Asi included business-related calculations as part of the list of activities which are considered *kalus rosh* in a shul under regular circumstances, not as its own, more stringent category.

The Rosh (Megilla 4:7) says that the stipulation only comes into effect if the *bais knesses* is destroyed. The prohibition against business-related calculations, however, is in force even if the *bais knesses* is destroyed.

To understand the underpinnings of this dispute, an examination of the reasoning behind the restrictions is necessary. The Mishna Berura

(151:1) writes that the prohibition is due to the obligation of *mora mikdash* (lit., fearing the Sanctuary), which mandates that one behave with proper awe and respect in the *Bais Hamikdash*. The Gemara (ibid. 29a) teaches that a *bais knesses* has the status of a *mikdash me'at*, a miniature *Bais Hamikdash*. A *bais knesses* must therefore also be treated with proper awe and respect. The Chayei Adam (17:6) writes that this requirement of behavior toward a *bais knesses* is a *diOrayso*-level obligation.

Based on this concept, Rabbi Moshe Feinstein (Ighros Moshe Orach Chaim 2:44) explains the stringent opinion of the Rosh that the stipulation is only effective if the *bais knesses* is destroyed. A *bais knesses*, as a *mikdash me'at*, possesses inherent sanctity; permitting activities that are not in consonance with that sanctity is an inherent contradiction to the status of the *bais knesses*, and so the stipulation cannot take effect. However, one may stipulate at the time of construction of the *bais knesses* that only the building itself is sanctified, not the ground underneath. This stipulation does not contradict the sanctity of the *bais knesses* building while it is standing. Thus, the stipulation would permit performance of the five prohibited activities (but not business-related calculations) on the space where a *bais knesses* once stood.

As for the opinions of Rashi and the Ramban, perhaps their opinion can be understood from another part of Rabbi Feinstein's responsum. Rabbi Feinstein writes that there are different levels of sanctity: *kedusha kalla* (light sanctity) and *kedusha chamura* (strong sanctity). He continues that the level of sanctity of the *bais knesses* can be established at the time of its construction. Based on this, it can be suggested that Rashi and the Ramban understood that a stipulation can affect the status of the *bais knesses* itself and limit its level of sanctity to *kedusha kalla*. Nevertheless, there are still some activities which are prohibited. According to Rashi, although all the five activities mentioned in the aforementioned *beraisa* are permitted, making business-related calculations are prohibited due to its status as a *mikdash me'at*. According to the Ramban, the five activities mentioned in the aforementioned *beraisa* are permitted only if there is a great need; otherwise, the sanctity of the *bais knesses* would preclude such activities.

Another approach to explain the dispute among the Rishonim can be obtained through a closer examination of the Gemara. The Gemara limits the efficacy of the stipulation to synagogues of the Diaspora, but such a stipulation would not affect those in *Eretz Yisrael*. What is the reason for this distinction? Tosafos (Megilla 28b s.v. *batei*) explain that the stipulation only works for synagogues in the Diaspora because

<sup>1</sup> The laws discussed in this article are relevant to the sanctuary; other areas of the building generally not used for sacred purposes, such as the lobby or social hall, are not governed by these rules.

their sanctity will exist only until the Messianic era, when all Jews will return to *Eretz Yisrael*. The Magen Avraham (151:15) points out that this contradicts a Gemara (Megilla 29a) which teaches that the shuls in the Diaspora are going to be transported to *Eretz Yisrael* upon Mashiach's arrival. The Magen Avraham explains that the physical buildings will be transported to *Eretz Yisrael*, but the ground they occupy will remain in place. Tosafos, says the Magen Avraham, follow the opinion of the Rosh that the stipulation is only relevant if the *bais knesses* is destroyed. The grounds, which only serve as a space for the synagogues of the Diaspora temporarily, may therefore be affected by the stipulation. In *Eretz Yisrael*, however, the sanctity of both the structure and the grounds are permanent.

Rashi and the Ramban, however, understand that only the intangible sanctity of the synagogues will be relocated, not the actual physical building (see Kaf HaChaim Orach Chaim 151:69 and Teshuvos Vehanhagos 1:157 who suggest such an approach). Since the buildings of the Diaspora themselves are sanctified only until Mashiach's arrival, a stipulation limiting their sanctity is effective.

**The practical halacha:** There is a dispute as to whether the stipulation must actually be made or if it is automatically included in the construction of a *bais knesses* (Mishna Berura 151:32). The Sha'ar Hatziyun (ibid.:19) concludes that one should be strict and actually make the stipulation, but *bidieved* (after the fact), the stipulation is considered to be in place regardless. In understanding why no actual stipulation would be required, it can be suggested, based on the aforementioned approach regarding the temporary nature of synagogues in the Diaspora, that since a Diaspora-based *bais knesses* will not retain its *kedusha* forever, it is not necessary to actually verbalize the stipulation. Rather, the temporary nature of its status as a *mikdash me'at* inherently limits its sanctity.

The Shulchan Aruch (Orach Chaim 151:1) rules that there are nine activities prohibited in a shul: The six mentioned earlier, as well as laughter, silliness and idle chatter. The Mishna Berura (151:2) writes that this includes talking about one's livelihood. The Shulchan Aruch (Orach Chaim 151:11) rules in accordance with the Rosh that the stipulation only comes into effect after the destruction of a *bais knesses*.

However, the Bi'ur Halacha (151:11 s.v. *aval*) writes that in cases of need, one can rely on the opinion of the Ramban to permit the five activities for a great necessity. This is also the view of the Aruch Hashulchan (Orach Chaim 151:5), who defends the common practice of talking in shul after the prayers have concluded. He writes that this custom is based on the opinion of the Ramban, for people consider talking after *davening* a necessity.

Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 1:45) suggests an even more lenient approach. He begins by questioning the common practice to eat in a *bais knesses*, even if it is not for a great need. For example, many shuls will serve a *shalosh seudos* meal on Shabbos, which, while a mitzvah, can be fulfilled by people in their own homes. Rabbi Feinstein further notes that it is the custom in many shuls to serve food in shul on the day of a *yahrtzeit*, although there is no mitzvah to do so. He concludes that these practices are based on the fact that the halacha follows the view of Rashi to permit these

activities with a stipulation. However, the Bi'ur Halacha (ibid.) points out that even according to Rashi's opinion, making business-based calculations, laughter, silliness and idle chatter is prohibited, as these activities are considered a higher degree of *kalus rosh*.

**Going into a *bais knesses* to call someone out:** The Gemara (Megilla 28b) says that Rav Ashi told Rav Acha bar Rava that if one needs to enter a *bais knesses* to call someone out, he should enter and study a halacha. If he only knows Mishna or Gemara, he should study Mishna or Gemara. If he only knows Chumash, he should recite a verse. If he cannot learn anything, he should ask a child to recite a verse, or he should spend a short time in the *bais knesses*, which is also a mitzvah. This halacha is codified in the Shulchan Aruch (Orach Chaim 151:1). The Shulchan Aruch says that the idea that spending time in shul is a mitzvah is based upon the verse (Tehillim 84:5) *ashrei yoshvei veisecha*, fortunate are those who dwell in Your house. The Aruch Hashulchan (Orach Chaim 151:4) points out that although the verse uses the term *yoshvei*, which literally means "sitting," it refers to spending time there. Therefore, he says, there is no obligation to actually sit down when entering a *bais knesses* to call someone out.

**Using a *bais knesses* as a shortcut:** The Mishna (Megilla 28a) prohibits using a *bais knesses* as a shortcut. The Gemara (Megilla 29a) teaches that when one entered a shul for another purpose, one may leave from another exit even though it serves as a shortcut.

The Vilna Gaon in his glosses to the Gemara (ibid.) cites the Rif and Rosh who say that if one entered the shul to *daven*, it is a mitzvah to walk through the entire shul to show one's appreciation for the *bais knesses*. Therefore, if feasible, one should exit through a different entranceway, (even if this does provide a shortcut). This halacha is codified in Shulchan Aruch (Orach Chaim 151:5).

**Bringing a weapon into a *bais knesses*:** The Shulchan Aruch (Orach Chaim 151:6) cites an opinion that it is prohibited to enter a shul with a long knife. The Mishna Berura (151:22) explains that since prayer lengthens life, it is improper to have a knife, which shortens life. The Tzitz Eliezer (10:18) writes that based on this reasoning, even if one *davens* alone at home, he should not have such a knife on his person. However, Rabbi Ovadia Yosef (Yechave Daas 5:18) argues that this halacha only applies in a shul, as this halacha is discussed in Shulchan Aruch in the halachos of *bais knesses* and not in the halachos of prayer. There are some exceptions to this prohibition. The Bi'ur Halacha (151:6 s.v. *bisakin*) says that one may bring the knife into the *bais knesses* in order to eat there (under circumstances where eating there is permitted). The Mishna Berura (151:22) cites the Elya Rabba that there is no prohibition if the entire knife is covered.

The problem of bringing a knife into a *bais knesses* applies to other weapons such as a gun, as well (Ohr Letzion 2:45:59). Consequently, one who is carrying a firearm in a shul would need to ensure it is completely covered, in accordance with the Mishna Berura's ruling.

This article has sought to lay out some of the halachos that ensure we treat a *bais knesses* with the proper respect. Beyond the technical halachos, however, is the importance of recognizing the great sanctity that a place of prayer is imbued with and acting accordingly when entering a *bais knesses*.

## **Points to Ponder:**

***What is included in the category of "idle chatter"?***

***May a weapon be brought to shul if it is used to ensure the security of the congregation?***

*Iyun Halacha is a publication of the Denver Community Kollel  
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