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Digest
Mishna Berura
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סימן קנ"א סעיף א'

Halacha Highlight

The sanctity of a *Bais HaKnesses*

Shulchan Aruch Siman 151 Seif 1
אין נוהגין בהם קלות ראש
We do not behave in a lightheaded manner

Shulchan Aruch writes that it is prohibited to behave in a lightheaded manner in a *Bais HaKnesses* or a *Bais HaMidrash*. Mishnah Berurah (סק"א) explains that a *Bais HaKnesses* and *Bais HaMidrash* are a miniature *Bais HaMikdash* and the Torah mandates that one behave with awe when in the *Bais HaMikdash*. Teshuvas Maharsham (ח"א סי' י ובח"ה סי' א') discusses at length whether the sanctity of a *Bais HaKnesses* and *Bais HaMidrash* is Biblical or Rabbinic in origin. Rav Shlomo Zalman Auerbach (הליכות שלמה תפלה פי"ט דבר הלכה אות א') explains that even according to the opinion that maintains that the sanctity of a *Bais HaKnesses* or *Bais HaMidrash* is Biblical, that sanctity is limited to the prohibition against demolishing the *Bais HaKnesses* or behaving in a lightheaded manner. The prohibition against eating and drinking is a Rabbinic injunction according to all opinions. This is evident from the fact that Shulchan Aruch permits, in limited circumstances, Torah scholars to eat and drink in a *Bais HaKnesses*. If the prohibition was Biblical, Chazal would not be able to permit these activites for torah scholars.

Shulchan Aruch (סע' י"א) rules that even building the *Bais HaKnesses* with a stipulation that it should be permitted to use the *Bais HaKnesses* for other uses is effective only after the *Bais HaKnesses* is destroyed but while it is still functioning the stipulation is not effective. Teshuvas Imrei Yosher (ח"ב סי' קצ"ג) contends that Shulchan Aruch's ruling that a stipulation is ineffective is limited to where the *Bais HaKnesses* was constructed and then they wanted to add a stipulation to permit other uses. If, however, the building was constructed for a purpose other than a *Bais HaKnesses* and then they decide to use it as a *Bais Haknesses* with the stipulation, it should be permitted for other uses the stipulation is effective (חיי משה).

Stories to Share

The Upsherin

ש"ע, ס' קנ"א, א': "ות"ח ותלמידיהם מותרים לאכול ולשתות בהם מדוחק..."

In certain communities, the custom was to make a ceremony cutting the child's hair for the first time in a shul.

Someone once asked Rav Chaim Palagi, zt"l whether perhaps this is not permitted since this may not be proper decorum for a holy place.

Rav Palagi answered, "It is forbidden. This can be understood from the verse which says that the nazir 'will shave at the entrance to the ohel moed' and the beraisa which explains this to mean that the nazir shaves after he brings the shelamim at the entrance to the ohel moed. The gemara explains that the verse cannot mean that the nazir shaves at the entrance to the ohel moed since this would be a disgrace. We can learn from this that cutting hair in a shul, even if it's a mitzvah, is still a disgrace!"

His son, Rav Avraham Palagi, zt"l, noted that the Shulchan Gavoha, zt"l, brings that the custom in Yerushalayim is to cut a boy's hair for the first time at age three in shul, without any qualifier. He concludes that a talmid chacham can cut his young son's hair for the first time in the beis medrash where he learns just like a talmid chacham may eat drink or sleep where he learns, as we find on today's amud.

Rav Avraham Palagi concluded, "In any other case, one should not do this in a shul!"

שלחן גבוה, ס' תקל"א, ס"ק י"ג

Overview

Siman 151 Seif 1:

While in a *Bais HaKnesses* or *Bais HaMidrash* one may not behave with lightheaded behavior, e.g. laughter, humor, idle chatter, nor may one eat or drink, groom oneself, or wander about. One may not enter when it is sunny to escape the sun or when it is raining to escape the rain. Torah scholars and their students may eat and drink in them when there is a strong necessity. Some maintain that in the *Bais HaMidrash* it is permitted even without a strong necessity. **One may not make financial calculations unless they are mitzvah related, for example, the *tzedakah* fund or money for the redemption of captives. One may not eulogize in these places unless it is a eulogy for one of the city leaders when everyone will gather to eulogize. If one needs to enter these places for a personal need, e.g. to call someone, he should read a *pasuk* or repeat a teaching and then call his friend so that it does not appear as though one entered for personal reasons. If one does not know how to read a *pasuk* or study he should ask one of the children to read for him a *pasuk* or just wait a bit before exiting since sitting is also a *mitzvah* as the *pasuk* states, אשרי יושבי ביתך.** (The amount of time to sit is the time it takes to walk "two doorways.) (According to the opinions quoted in *siman* 90 *seif* 20)

- A *Bais HaKnesses* and *Bais HaMIdrash* are considered a miniature Sanctuary. Semak writes that the sin of lightheaded behavior in the *Bais HaKnesses* causes the building to become a house of idolatry חס ושלום. (M.B. 1)
- Even conversation related to one's business is prohibited and certainly completely idle conversation. The sin of prohibited speech becomes magnified when spoken in a *Bais HaKnesses* or *Bais HaMidrash*. A person who is careful with the words of Hashem should be careful not to speak about any mundane matter in the *Bais HaKnesses* and it should be used exclusively for Torah and *davening*. (M.B. 2)
- One may not engage in activity while in the *Bais HaKnesses*. (M.B. 3)
- One may not read a *pasuk* to permit entering a *Bais HaKnesses* to escape rain unless one was learning before it started raining since in such a case one may enter a *Bais HaMidrash* so that the rain does not interrupt his learning. (M.B. 4)
- It is permitted to feed the poor or give them a place to sleep in a *Bais HaKnesses* outside of Eretz Yisroel and some authorities maintain that even this is prohibited. (M.B. 5)
- It is also permitted to sleep but even torah scholars may not use a *Bais HaKnesses* as a shortcut or to escape weather conditions. (M.B. 6)
- Magen Avrohom writes that it is always considered a circumstance of necessity for those who learn in the *Bais HaMidrash* regularly but if they do not learn in the *Bais HaKnesses* or *Bais HaMidrash* it is prohibited. (M.B. 7)
- Torah scholars who learn there regularly may eat, drink or engage in other personal activities since this is their home. (M.B. 8)
- Levush and Bach follow Rema's lenient ruling. (M.B. 9)
- One may not call his friend and then read a *pasuk*. (M.B. 12)
- Rema refers to the amount of time it takes to walk eight *tefachim*. (M.B. 13)