



**TORAH ACADEMY**  
of Bergen County

# קול תורה

**Parashiyot Tazri'a-Metzora**

**3 Iyar 5777**

**April 29, 2017**

**Vol. 22 No. 26**

## GLUTEN IN THE CONTEXT of Kiddush

by Ned Krasnopolsky ('19)

With a growing population of people keeping away from gluten for health reasons or personal choice, a Halachic issue is raised. Can a gluten-free individual fulfill the Mitzvah of Kiddush on Shabbat?

Everyone has the obligation to make Kiddush on Shabbat because of the Pasuk "*Zachor Et Yom HaShabbat LeKaddesho*," "remember the Sabbath day to sanctify it" (Shemot 20:8). This obligates people to declare the sanctity of Shabbat with their words. However, due to one's dietary needs, one may be unable to fulfill the Mitzvah of Kiddush. This requires a further analysis of the Mitzvah of Kiddush and a careful understanding of the settings in which one is required to recite it. This topic is discussed in great detail in the tenth Perek of Pesachim (100b-101a).

There, Rav states that by reciting the Kiddush in Shul, one fulfills his Kiddush obligation (meaning that he does not have to repeat Kiddush at home for himself), but he does not alleviate his obligation to repeat Borei Peri HaGefen. Shmuel, on the other hand, states that one does not fulfill either obligation (neither Peri HaGefen nor Kiddush). The Rashbam (Pesachim 101a s.v Af Yedei Kiddush Lo Yatza) explains that, according to Shmuel, one would not be Yotzei Kiddush in Shul because of the concept of "Ein Kiddush Ela BeMakom Se'udah," which states that one is not Yotzei Kiddush outside of a meal setting. (An implication of this is that one might even be making a Berachah LeVatalah by reciting it outside of this setting.) The Rashbam further explains the twofold reasoning for this concept. First, he quotes Yeshayahu 58:13, "*VeKarata LaShabbat Oneg*," "call Shabbat a delight." In other words, one should follow his declaration of the Kedushah of Shabbat with something delightful--a meal. The second reason Rashbam states for requiring a meal after Kiddush is based on logic: since wine has the most Chashivut, significance, when drunk at a meal setting, it makes sense that the Chachamim would have required a meal in conjunction with wine to maximize the Chashivut of Kiddush.

Tosafot (ibid. s.v Af Yedei Kiddush Lo Yatza), state that the Halachah indeed follows Shmuel, and that we hold of Ein

Kiddush Ela BeMakom Se'udah. Therefore, with this in mind, we must now determine what constitutes a Se'udah.

The Gemara (Pesachim 101a) recounts a story with Rabbah and Abayei. After making Kiddush in shul, Rabbah told Abayei to eat something to fulfill Ein Kiddush Ela BeMakom Se'udah, in case the candle had extinguished at Abayei's host's house and he would be unable to have a Se'udah there. Tosafot (ibid. s.v Ta'imu Midi) infer from a Gemara in Shevu'ot (22b) that Rabbah's suggestion to Abayei to "eat something" implies eating bread. According to Tosafot, bread is the only food that can create the Se'udah setting. We can conclude from Tosafot that a person who does not eat bread or gluten cannot fulfill the Mitzvah of Kiddush, which poses quite an issue.

Fortunately, the Ge'onim state that Kiddush BeMakom Se'udah can be fulfilled with the drinking of wine or the eating of bread.

The Beit Yosef (Orach Chayim 273:8) comments on this supposed Machloket between Tosafot and the Ge'onim and states that it might not even be a Machloket at all. He explains that Tosafot meant that only in that specific case of the Gemara was Abayei forced to eat bread to fulfill Kiddush BeMakom Se'udah, because he did not drink from the Kiddush wine in shul. Potentially, drinking from the Kiddush wine would fulfill Kiddush BeMakom Se'udah. Therefore, according to the Beit Yosef, someone who is gluten-free can fulfill Kiddush BeMakom Se'udah according to both the Ge'onim and Tosafot by drinking the Kiddush wine.

The Bach (Orach Chayim 273:4) disagrees slightly with Beit Yosef's understanding of the role of Kiddush wine. He states that the drinking a cheekful (Melo Lugmav) of Kiddush wine would not be sufficient to fulfill Kiddush BeMakom Se'udah; one would need an additional Revi'it<sup>1</sup> of wine to fulfill the Se'udah requirement, since that necessitates a Berachah Acharonah. Overall, both understandings of the Ge'onim would enable a gluten-free individual to fulfill the Mitzvah of Kiddush in its entirety.

The Shiltei HaGiborim comments (Rif's Pesachim 20a) that all food eaten on Shabbat is considered to be a Se'udat Keva--a set meal. Therefore, according to the Shiltei HaGiborim, one would be Yotzei for Kiddush BeMakom Se'udah even with a non-bread snack, since Shabbat makes it into a Se'udah.

If none of this is feasible, there is an opinion, the Rabbeinu Yonah (quoted by Rosh Pesachim 10:5), that holds that Ein

Kol Torah is a community wide publication that relies on the generous donations of our friends and family in the community for its continued existence. To sponsor an issue in memory of a loved one, in honor of a joyous occasion, or for a Refuah Sheleimah, please contact: [business@koltorah.org](mailto:business@koltorah.org)

<sup>1</sup> A disputed measure ranging from 3-5 ounces.

Kiddush Ela BeMakom Se'udah is only DeRabanan, a Rabbinic ordinance. Therefore, according to Rabbeinu Yonah, if a person has no other choice, Kiddush can be fulfilled through just its recital, and does not need to be followed by a Se'udah.<sup>2</sup> The Rosh himself, however, holds that Kiddush outside of the meal setting is invalid because Ein Kiddush Ela BeMakom Se'udah is DeOraita, as is implied by Shmuel's logic.

Overall, one should consult an Orthodox rabbi on an individual basis to determine how to properly fulfill the Mitzvah of Kiddush. One can follow Shmuel's statement of Ein Kiddush Ela BeMakom Se'udah and determine whether to hold by Tosafot or the Geonim. If necessary, a person may be able to use the leniency of the Beit Yosef, that wine constitutes a Se'udah, the leniency of the Shiltey HaGiborim, that foods other than bread constitute a Se'udah, or even the leniency of the Rabbeinu Yonah, that Kiddush on a Torah level does not require a meal at all.

## TZARA'AT: THE PRICE OF PROMINENCE

by Shmuel Bak ('18)

*"VeHaTzaru'a Asher Bo HaNega--Begadav Yiheyu Ferumim, VeRosho Yiheye Faru'a, VeAl Safam Yateh, Ve'Tamei, Tamei' Yikra. Col Yemei Asher HaNega Bo Yitma--Tamei Hu; Badad Yeisheiv; MiChutz LaMachaneh Moshavo,"* "The person with the Tzara'at affliction--his garments shall be rent, the head of his hair shall be shaved, he should cloak himself up to his lips and he is to call out 'Contaminated, contaminated!' All the days of his affliction, he shall remain contaminated--he is contaminated; he shall dwell in isolation; his dwelling shall be outside the camp" (VaYikra 13:45-46).

This week's Parashah, highlighted by the Pesukim quoted above, reads somewhat like a medical journal, outlining the symptoms and cure involved with the Tzara'at sickness. Chazal teach that the main reason one might contract this disease is because he spoke Lashon HaRa and was not careful with his speech. However, one might wonder: why does Tzara'at seem to interrupt between seemingly related topics, between the inauguration of the Mishkan with the deaths of Nadav and Avihu, and the laws of the Kohein Gadol on Yom Kippur?

There is a simple story of a stone that can help explain the reason that Tzara'at is mentioned here. This stone was buried far underground for hundreds of years until, all of a sudden, it rose to the surface. A miner,

who saw potential in the rock, decided to take it and bring it back to the city. It sat in this miner's bag for years, unappreciated, until one day, the miner decided to give it to a merchant for examination. The merchant looked at this stone and he too saw the potential, tested it, hammered it, and tried its strength until he decided that it was time for a master craftsman to take a look. This master craftsman started to cut through its coarse exterior and, with time, a new polished stone began to emerge. Beautiful, symmetrical facets were made one after another until this once-worthless rock became a beautiful diamond. This rock was given to the king, who wanted this diamond to be placed in the crown of his beautiful queen. The king, ever so careful, called in his top jewelers to shine a light through the diamond, examine it, and make sure it was as flawless as advertised. Unfortunately, a small bubble was found deep beneath the surface, and further treatment of the diamond was recommended. So the stone was put back down under the earth. After some time, though, the pressure from the layers of earth above the diamond ironed out the small defect, and it was worthy to sit inside the crown of the queen.

If the stone had feelings, one could only imagine its anguish, having passed so many tests and coming so close to royalty, only to be rejected in an instant by the king. This diamond was put in a position of great importance and therefore only perfection was acceptable. Similarly, after being led out of Egypt, great expectations were thrust upon Bnei Yisrael; creating a holy residence for Hashem in the Sinai Desert was a drastic leap from being slaves in Egypt. This put an enormous amount of pressure on Bnei Yisrael to become *"Mamlechet Kohanim VeGoy Kadosh,"* "a Kingdom of Priests and a Holy Nation," (Shemot 19:6) under the scrutiny of the whole world. The price to pay for the construction of the majestic Mishkan was being watched carefully and judged strictly by the other nations. This can help us understand Tzara'at. Sometimes, Bnei Yisrael had the urge to speak Lashon HaRa and the elevated level of scrutiny warranted the punishment of Tzara'at for doing the tempting sin. But, unlike the diamond, perpetual perfection is not expected from us, and Hashem gave us a way to cure the Tzara'at. The key is to thrive and learn from the pressure and our mistakes and become better individuals and a better nation as a whole.

## A GUIDE OR SERVICE DOG IN A BEIT KENESSET: A PRACTICAL EXPERIENCE

by Rabbi Chaim Jachter

As surprising as it sounds, I permitted a service dog to enter the sanctuary of Congregation Shaarei Orah, the Sephardic Congregation of Teaneck, this past June. Among the overflow crowd attending the joyous bar mitzvah of Ezzy

<sup>2</sup> In addition, R' Nissim Ga'on, quoted in the Mordechai, states that the concept of Ein Kiddush Ela BeMakom Se'udah would not apply if one has in mind to have a Se'udah later on.



Foundation for the Blind. I called Rav Braun (Rav Breisch was already deceased at the time) who told me that he was unaware that Church policy had changed to permit guide dogs to enter their houses of worship.

Rav Breisch's other criticisms of Rav Feinstein's responsum include concern that a guide dog will disrupt prayer services. However, those familiar with seeing-eye dogs report that these animals are well trained and are very unlikely to cause a disruption. Rav Breisch also writes that he cannot imagine why there is no alternate means of enabling a blind person to attend the synagogue. The fact is, however, that there is a training period in which the dog and the blind individual must be together at all times. Though Rav Breisch has other criticisms of Rav Moshe's responsum, Rav Feinstein's argument appears far more persuasive than that of Rav Breisch.

Another prominent Rav who forbids guide or service dogs from entering a Beit Keneset is Rav Menachem Mendel Kasher. Rav Kasher (Torah Sheleimah XV, p. 147) points out that the Torah (Devarim 23:19) forbids one to offer a sacrifice that was purchased with money acquired from the sale of a dog. Accordingly, Rav Kasher asserts, it is certainly forbidden to bring a dog into the Beit HaMikdash. Rav Kasher argues that since many early authorities consider the sanctity of the synagogue to be of biblical origin and similar to the sanctity of the Temple, then just as one is forbidden to bring a dog into the Beit HaMikdash, so too one is forbidden to bring a dog into the synagogue.

One may respectfully question Rav Kasher's argument. The fact that an activity is forbidden in the Beit HaMikdash does not at all imply that it is forbidden in a Beit Keneset. The laws regarding the sanctity of the Temple differ from those regarding the sanctity of the synagogue.<sup>8</sup> Many activities are forbidden in the Temple and yet are permissible in the synagogue, such as wearing shoes (see Berachot 62b). Furthermore, Rav Kasher does not prove that one is forbidden to bring a very well-disciplined guide dog into the Beit HaMikdash.

---

<sup>8</sup> Despite the fact that the sanctity of the synagogue is similar to that of the Temple, the intensity of their respective levels of sanctity differs. Rambam expresses this distinction by stating (Hilchot Tefillah 11:5) that a Beit Keneset must be treated with respect (Kavod), as opposed to the Temple (Hilchot Beit Hachochim 7:1), towards which we must maintain an attitude of awe (Yirah). Rav Soloveitchik explains that the distinction derives from the fact that the Beit HaMikdash is Hashem's home in which we are visitors, in contradistinction to the synagogue which is our home in which God (so to speak) is a visitor (see Shi'urim LeZeicher Abba Mori Zal, pp. 63-65). Halachic authorities differ as to the extent that various laws regarding the Beit Keneset should be extrapolated from the laws of the Beit HaMikdash. See Teshuvot HaElef Lecha Shlomo, Orach Chayim 76, Teshuvot Binyan Tziyon 9, Teshuvot Meishiv Davar 2:14, and Rav Herschel Schachter, Eretz HaTzvi pp. 93-94.

### *The Opinion of Rav Ovadia Yosef and his Family*

Halachic practice of a Sephardic synagogue is impacted greatly by the rulings of Rav Ovadia Yosef and his family. Although Rav Yitzchak Yosef (Yalkut Yosef 151:25) writes that it is preferable to refrain from bringing a guide dog into a Beit Keneset, Rav Ovadia's grandson, Rav Yaakov Sasson, writes (Halachah Yomit November 30, 2016): "if the dog is quiet and well-behaved in the synagogue and the congregants are not frightened by its presence, there is no reason to prevent a blind man from coming to the synagogue and bringing his seeing-eye dog along with him."

### *Conclusion*

Modern Orthodox Jews, generally speaking, are comfortable with dogs. They are certainly comfortable with handicapped individuals bringing guide or service dogs into their homes. As such, it is entirely appropriate for a Rav to follow the rulings of Rav Feinstein, Rav Soloveitchik (as reported by his leading student and son-in-law Rav Lichtenstein), and Rav Teitz to permit a guide or service dog to enter a Beit Keneset. I have seen this work out exceedingly well and it was very well-received in practice in two communities--the synagogue in which I was raised, Congregation Beth Judah of Brooklyn, New York, and Congregation Shaarei Orah of Teaneck, New Jersey, where I have the honor of serving as Rav. This is a ruling which is well-founded in the Gemara and Posekim, endorsed by three of the greatest authorities of the twentieth century, and very much works in practice. It should be followed in practice in our community.

**Editors-in-Chief:** Tani Greengart, Shlomi Helfgot

**Publication Editors:** Ned Krasnopolsky, Akiva Sturm, Yaakov Zinberg

**Publishing Managers:** Eitan Leff, Avi Roth

**Business Managers:** Avraham Gellman, Caleb Siegal

**Staff:** Shmuel Bak, Zacky Berlin, Eli Englard, Nachum Freedman, Gabe Greenberg, Shai Rosalimsky, David Rothchild, Yehuda Saks

**Rabbinic Advisor:** Rabbi Chaim Jachter

Questions, comments? Contact us at:

*Kol Torah*

*c/o Torah Academy of Bergen County*

*1600 Queen Anne Road*

*Teaneck, NJ 07666*

*Phone: (201) 837-7696*

*koltorah@koltorah.org*

To subscribe to Kol Torah via email, message [webmaster@koltorah.org](mailto:webmaster@koltorah.org)