

# HALACHICALLY SPEAKING



- Compiled by Rabbi Moishe Dovid Lebovits
- Reviewed by Rabbi Benzion Schiffenbauer Shlita
- All Piskei Harav Yisroel Belsky Shlita are reviewed by Harav Yisroel Belsky Shlita

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## KNEELING ON A STONE FLOOR

On *Rosh Hashanah* and *Yom Kippur* we kneel on the floor during *davening* at *oleinu* and while saying *v'kohanim*. In addition, many times we wish to kneel on the ground to give a child a bath, exercise, or to put something away. Are the above permitted and if they are not what is the correct way to kneel?

### **Halachic Background**

In the time of the *Bais Hamikdosh* one would fall to the floor with his hands and feet spread out and *daven* to *Hashem*.<sup>1</sup> This is not done today since we do

1. Mesechtas Megillah 22b, Ohr Zeruah 1:93 (end), Rambam Hilchos Avodah Zarah 6:7, Semag 43 (laven), Kaf Hachaim Palagi 15:9. Refer to Kovetz Bais Aron V'Yisroel 103:pages 34-38 in depth.



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not have a *bais hamikdosh*. The *Torah*<sup>2</sup> tells us that one is not allowed to spread out his hands and feet on a stone floor.

ואבן משכית לא תתנו בארצכם להשתחות עליה (ויקרא פרק כו פסוק א)

“And a stone covering you should not place on your land to prostrate yourself upon it.”

### Other Halachic Factors

The *Rabbonim* enacted that one is not allowed to bow on one's hands and feet (even without spreading) if one's face is towards the floor.<sup>3</sup> This *issur* is known as *e'ven maskis*.<sup>4</sup> In order for there to be an *issur d'oraisa* it has to be both of the following: 1. Kneeling while spreading the hands and feet 2. Stone floor. However, bowing on the floor without spreading of one's hands and feet<sup>5</sup> or spreading the hands and feet but not on a stone floor is forbidden *d'rabannan*.<sup>6</sup> Kneeling without spreading one's hands and feet on a non-stone floor is permitted.<sup>7</sup>

### Women

This *issur* applies to men and women alike.<sup>8</sup> The custom of many is that women do not kneel to the ground at all on *Rosh Hashanah* and *Yom Kippur*.<sup>9</sup>

### Reasons

Some say that the reason for the *issur* is because this is the way non-Jews bow to their g-ds.<sup>10</sup> The *Chinuch*<sup>11</sup> says the reason is that one who sees someone kneeling to the stone would think he is bowing to *avodah zarah*. Some say the reason is that the kneeling should not be like the bowing in the times of the *Bais Hamikdosh*.<sup>12</sup>

2. Vayikra 26:1. Refer to Mesechtas Megillah 22b, Rosh 2:4, Rambam Hilchos Tefillah 5:14, Avodah Zarah 6:7, Semag 43 (laven), Semak 180, Taz 131:14, Biur Halacha 131 “l'hatos,” Aruch Hashulchan 131:4, Kra Ravatz pages 495-496. If one's ENTIRE body is not on the stone there is no *issur d'oraisa* (Kra Ravatz page 496).

3. Tosfas Mesechtas Megillah 22b “v'ibucis eima,” Rosh 2:4, Semag 43 (laven), Semak 180, Yereim 348-350, Bais Yosef 131, Pri Megadim Eishel Avraham 131:20, Shulchan Aruch Harav 131:1, Levush 7, Mishnah Berurah 40. Some say one's face has to be touching the floor for the *issur* to apply (Refer to Kesef Mishnah Hilchos Avodah Zarah 6:6, Rivash 412, Magen Avraham 131:20. One's face does not have to touch the floor in order for bowing to be forbidden (Avnei Yushpe 2:7:6, see Biur Halacha 131 “l'hatos”). Refer to Doleh U'mashka page 117.

4. Vayikra ibid.

5. Refer to Mishnah Berurah 131:3.

6. Magen Avraham 131:20, Be'er Heitiv 22, Pri Megadim Eishel Avraham 21, Mishnah Berurah 40.

7. Mishnah Berurah 40.

8. Chinuch mitzvah 349.

9. Bais Avi 3:72, Nefesh HaRav pages 214-215:18, Rivevos Ephraim 3:421:2.

10. Rambam Devarim 16:22, Rambam Hilchos Avodah Zarah 6:6, Rambam Sefer Hamitzvahs Lo Sasei 12.

11. Mitzvah 349. Refer to Ohr Zeruah 1:93. See Kra Ravatz pages 516-517.

12. Opinion of Rashi in Mesechtas Megillah 22b “lo.” See Kovetz Bais Aron V'Yisroel 103:page 35.

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## Davening

Based on the above one should spread something out between his face and a stone floor<sup>13</sup> when kneeling on the ground during *Rosh Hashanah* and *Yom Kippur* (see below). If this is not possible then one should bow on his side so that his face does not touch the ground if it is not a stone floor.<sup>14</sup> One is allowed to kneel towards a stone floor if his face is not near the stone floor.<sup>15</sup>

## Type of Stone

Some *poskim* say that marble has the same *din* as stone in this regard.<sup>16</sup> Kneeling on bricks is not a concern.<sup>17</sup> One should treat stone tiles which are placed on ones floor as stone in regard to this *halacha*.<sup>18</sup> Furthermore, even a floor which is not made of stone should still have the same *halacha* as stone since there may be stone underneath the floor before the floor was put on.<sup>19</sup> In addition, cement is viewed as stone in regard to this *halacha*.<sup>20</sup> Some say that even if the stone is not attached to the ground it is *ossur* to bow on.<sup>21</sup> Steps made from stone have the same status as regular stone in this regard.<sup>22</sup> Asphalt has the same *din* as stone in regard to this *halacha*.<sup>23</sup> Today the custom is that on all floors one should not kneel without a separation. Therefore, even if there is permanent carpet on the floor then one should still have a separation.<sup>24</sup>

## Types of Separation

As mentioned before, when kneeling with one's hands and feet spread out one must

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13. Mordechai Mesechtas Avodah Zarah 807, Rama 131:8, Darchei Moshe 621:6, Mishnah Berurah 621:14, Kaf Hachaim 621:29.

14. Mesechtas Megillah ibid, Bais Yosef 131, Rambam Hilchos Avodah Zarah 6:7, Rama 131:8, Magen Avraham 21, Mishnah Berurah 42, Aruch Hashulchan 18.

15. Radvaz 3:514, Magen Avraham 131:20, Mishnah Berurah 41.

16. Magen Avraham 20, Mishnah Berurah 41.

17. Magen Avraham 20, Mishnah Berurah 41, Shevet Ha'Levi 1:23, see Kra Ravatz pages 519-520. Refer to Matei Ephraim 621:14.

18. Avnei Yushpe 2:7:1, Doleh U'mashka page 216:footnote 584. The floor does not have to be completely covered with stones (Refer to Kitzur Shulchan Aruch 123:33).

19. Avnei Yushpe 2:7:1. Refer to Rivash 412.

20. Avnei Yushpe 2:7:1. Refer to Aruch Hashulchan 623:8.

21. Refer to Doleh U'mashka page 217. This is common on an airplane or boat (ibid). Refer to Doleh U'mashka page 217 who is unsure if it applies to a stone table.

22. Doleh U'mashka page 217.

23. Kra Ravatz pages 519-520.

24. Ishei Yisroel 45:footnote 210, Shalmei Moed page 46, Halichos Shlomo Moadim 2:4:5:footnote 7, Piskei Teshuvos 591:footnote 10. Refer to Avnei Yushpe 2:7:2. Refer to Doleh U'mashka page 218.



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place a separation between his face and the ground.<sup>25</sup> This separation can be made with placing grass,<sup>26</sup> a *tallis* (see below)<sup>27</sup> or any other material between one's face and the floor.<sup>28</sup> However, one's clothing that he is wearing is not a *hefsek*.<sup>29</sup> Some say that placing one hand under his head is not a good *hefsek*.<sup>30</sup> A see through material suffices for a separation between one's hands and feet and the floor.<sup>31</sup> A separation with holes in it is still considered a separation.<sup>32</sup> An area rug which is removed to be cleaned from time to time is a good separation and no other separation is required.<sup>33</sup>

### ***Oleinu – Rosh Hashanah***

The custom is to prostrate oneself on the floor by *oleinu* on *Rosh Hashanah*.<sup>34</sup> Some say that since by *oleinu* on *Rosh Hashanah* we do not bow on the floor, no separation is needed;<sup>35</sup> however, we do have a separation since the custom is that the kneeling on *Rosh Hashanah* by *oleinu* is the same as on *Yom Kippur* where we kneel on the ground.<sup>36</sup>

### **Kneeling on *Yom Kippur***

Kneeling is done on *Yom Kippur* when saying “*v’kohanim*,”<sup>37</sup> and *oleinu*.<sup>38</sup>

25. Taz 131:15, Magen Avraham 22, Mishnah Berurah 44. Refer to Pri Megadim M.Z. 14.

26. Magen Avraham 22, Levush 7, Kitzur Shulchan Aruch 133:23. Refer to Aruch Hashulchan 623:8. Some say to use only grass since *Moshe Rabbeinu* came down with the *luchas* on *Yom Kippur*. Therefore as a *zecher* to *Shavuot* when the *Torah* was given with flowers etc around, we should place grass on the floor. (Minhag Yisroel *Torah* 621:4).

27. Darchei Moshe 621:6, Kitzur Shulchan Aruch 133:23, Shar Hatzyion 44, Mishnah Berurah 621:14, Doleh U’mashka page 218. Some covered their face with their *kittel* on *Yom Kippur* (Noheg Katzon Yosef Yom Hakippurim 19:pages 286-287, Yosef Ometz 973).

28. Orchos Rabbeinu 2:page 188:25, 26.

29. Shevet Ha’kehusi 2:61:2.

30. Doleh U’mashka page 218.

31. Doleh U’mashka page 218.

32. Avnei Yushpe 2:7:2.

33. Ishei Yisroel *ibid*, Shalmei Moed *ibid*, Halichos Shlomo *ibid*:footnote 8.

34. Refer to Rivevos Ephraim 5:387.

35. Magen Avraham 22, Machtzis Hashekel. Refer to Kitzur Shulchan Aruch 129:16.

36. Shar Hatzyion 44, Aruch Hashulchan 18, 621:4. The custom is that the *shatz* falls to the floor by *v’kohanim*” and someone helps him up in order that he not move from his place (Kitzur Shulchan Aruch 129:16, Aruch Hashulchan 621:4). Refer to Mishnah Berurah 621:16. See Tzitz Eliezer 9:29:3.

37. Only when one says *v’noflim al p’neiheim* is falling on the face done (Nefesh HaRav page 213:15).

38. Mordechai Mesechtas Avodah Zarah 807, Kitzur Shulchan Aruch 129:16, Aruch Hashulchan 621:4. Refer to Tur 621. Some say we only kneel on our knees without spreading out totally since there is a lack of space. However, if there is room one should do it the right way by spreading his hands and feet on the floor (Massei Rav Hachodesh 16:footnote 16:page 224 new). Regarding kneeling on *Yom Kippur* that falls out on *Shabbos* refer to Eishel Avraham Butchatch 621:4, Taamei Haminhagim pages 338-339 in the footnote, Divrei Yatziv 2:265-266.

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## Giving out paper towels on *Rosh Hashanah* and *Yom Kippur*

When looking around before the *tzibur* prepares to kneel at *oleinu* on *Rosh Hashanah* and *Yom Kippur*, paper towels are handed out and the *tzibur* places it on their knees during the bowing process. This is not done because of any *halachic* reason it is done in order to ensure that one does not dirty his pants.<sup>39</sup> All sources say a separation is required between ones face and the ground not a separation between the knees and the ground.

Some say falling on one's knees alone is going in the ways of the non-Jews and one should avoid this.<sup>40</sup>

## Placing *Tallis* on Floor

When kneeling during *davening* on *Rosh Hashanah* and *Yom Kippur* one usually uses his *tallis* as a separation between his face and the floor.<sup>41</sup> Some say that doing so is a disgrace to the *tallis*.<sup>42</sup> However, the custom is that doing so is permitted since one is not dragging it on the floor. In addition it is being done for a *mitzvah* in order to kneel down to *Hashem*.<sup>43</sup>

## Giving a Bath etc.

The above mentioned *issur* is only if one has intent to do so.<sup>44</sup> Therefore, one is allowed to bend down on his knees in order to give his child a bath,<sup>45</sup> or take something out from the refrigerator drawer.<sup>46</sup>

## Exercise

When doing push ups etc. one places his entire body toward the floor. Doing so is not an issue since one does not have intent to kneel to the ground.<sup>47</sup>

## *Davening* at Graves

One is permitted to *daven* at a cemetery while looking at the gravestone and there is no concern that someone will see him *davening* to the stone itself. The reason is because it is

39. Avnei Yushpe 2:7:5, Shevet Ha'kehusi 2:61:1, Orchos Rabbeinu 2:page 188:28, Piskei Teshuvos 591:footnote 10, Doleh U'mashka pages 217-218, see page 219. Refer to Radvaz 3:514, Matei Ephraim 621:14.

40. Doleh U'mashka page 219. Refer to Avnei Yushpe ibid. Some say young children should be told not to do this (Doleh U'mashka ibid).

41. Elya Rabbah 131:115, Shar Hatzyion 44, Kaf Hachaim 117.

42. V'ein Lamo Michshal 2:page 142. Refer to Oles Yitzchok 2:4.

43. Avnei Yushpe 2:7:3, Shevet Ha'kehusi 2:61:2.

44. Refer to Kra Ravatz page 524.

45. Harav Yisroel Belsky Shlita.

46. Opinion of Harav Elyashiv Shlita as quoted in Divrei Chachumim page 193:49, V'ein Lamo Michshal 2:pages 143-144. Refer to Ohr Yisroel 11:page 139 who says to be stringent.

47. Avnei Yushpe 2:7:4.



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well known that one is doing so for the honor of the deceased.<sup>48</sup>

### Sitting on the Floor

Some are of the opinion that based on *kabbalah* one should not sit directly on the ground without a separation between you and the ground.<sup>49</sup> Some say this is only if one sits directly on the ground, Therefore, there are those of the opinion that say since our homes etc are covered with stone, wood etc there is no concern. However, others do not make this distinction.<sup>50</sup> There are those who *al pi kabbalah* in a bungalow colony or camp etc would not sit directly on the dirt without a separation.

כל  
השונה  
הלכות  
בכל יום  
מובטח  
לו שהוא  
בן עולם  
הבא...  
(גדה עג.)

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48. V'ein Lamo Michshal 2:pages 142-143.

49. Birchei Yosef 552:8, Sharei Teshuva 8, Ben Ish Chai Vayishlach 1:11, Devarim 1:20, Taamei Haminhagim kuntres achron 646:page 290. Refer to Magen Avraham 559:2. Taz 4, Shevus Yaakov 1:26.

50. Refer to Kaf Hachaim 552:39, Moshe Haish 21:22, see Be'er Heitiv 559:3.



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# HALACHICALLY SPEAKING



Iyar, 5769

Dear Chaver:

I hope this letter finds you and your family in the best of health.

As I am sure you know, I am the author of *Halachically Speaking* which is seen by thousands of readers on a bi-weekly basis. *Halachically Speaking* is distributed to many *shuls* in Brooklyn, is sent via e-mail to subscribers worldwide, appears in the Friday edition of the *Hamodia*, and is read daily by tens of thousands of people daily at [www.theyeshivaworld.com](http://www.theyeshivaworld.com).

Following the success of my first *sefer boruch Hashem*, I am writing to my family and friends to let them know that with the help of the *Ribbono Shel Olom*, and after much hard work, I am in the process of publishing my second *sefer*. I have been able to obtain *haskomos* for the *sefer* from *Gedolim* both in the United States and in *Eretz Yisroel*.

The *sefer* will be hard-covered, and will have thirty one chapters. Each chapter will cover a different *halacha l'maseh* topic taken from the second volume of my *Halachically Speaking* pamphlets, and will include all the footnotes. The *sefer* will be printed and distributed by Israel Book Shop, located in Lakewood, New Jersey.

Undertaking such a project is very costly, and I am asking for your financial support to help be *marbitz Torah* throughout the English speaking public. Your donation will be used to offset expenses such as editing, layout, printing, and distribution. There will be a special section in the beginning of the *sefer* reserved for dedications. A donation of \$1,000 will entitle you to a full-page with a dedication *l'zecher nishmas* or *l'refuah sh'leima*, etc. A donation of \$500 will entitle you to a half-page with a dedication *l'zecher nishmas* or *l'refuah sh'leima*, etc. Your generous contribution, in any amount, will help advance this project to the next stage.

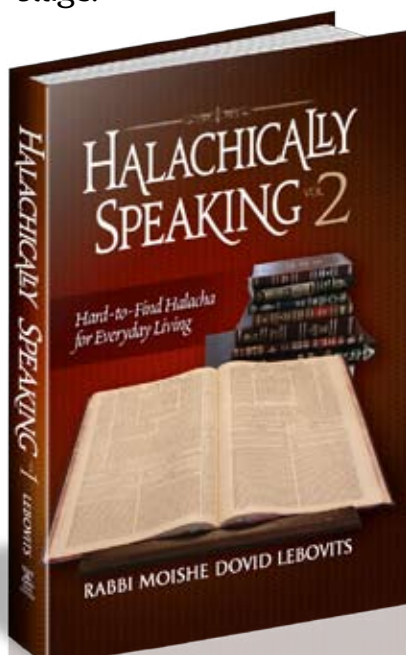
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