

**Weekly Internet Parsha Sheet**  
**Shmini Atzeres Simchas Torah / Parshat V'Zos Habracha 5782**

**Rabbi Yochanan Zweig**

**This week's Insights is dedicated in memory of Leila Applebaum.**

**Dancing with the Bride**

The Torah that Moshe commanded us is a heritage to the Congregation of Jacob (33:4).

Simchas Torah is a day in which we celebrate the Torah. Why did Chazal see fit to designate a separate day for Simchas Torah? Would not Shavuot, the day we received the Torah, be a more appropriate time for this celebration?

The Talmud instructs a father that as soon as his child is able to speak, he should teach him, "The Torah that Moshe commanded us is a heritage to the Congregation of Jacob." Why is this the verse selected when there are earlier verses in the Torah that convey a similar message, such as "This is the Torah that Moshe placed before Bnei Yisroel"?

The last four parshios in the Torah record the events that transpired on the day of Moshe's death. A major event that ensued was the new covenant in Parshas Nitzavim. The concept of "each Jew is a guarantor for his fellow Jew," in regard to mitzvos and aveiros, is introduced as a result of our responsibility for the covenant.

The general concept of a guarantor is discussed by the Talmud. The Talmud teaches that one who accepts upon himself to repay a loan should the borrower default is required by Torah law to honor his commitment to pay. The commentaries raise the following difficulty: Legally, for a person to be liable to perform a service, there must be consideration, such as money. What is the instrument that obligates a guarantor to honor his commitment? The Ritva answers that although the guarantor does not receive money, he nevertheless receives the satisfaction that the lender is relying upon his credibility to issue the loan. This benefit serves as the instrument for the transaction in lieu of money. In light of this explanation, the following difficulty arises: Why are Bnei Yisroel bound to their commitment of arvus? What were they receiving that they did not already have?

To begin answering the aforementioned questions, we must analyze another concept that was introduced on the day that Moshe died: "Torah is no longer in the Heavens." While Moshe was alive he consulted with Hashem concerning all difficult Torah legislation.

Therefore, Hashem was the final arbiter for Torah legislation. Thus, as long as Moshe was alive, Torah was still in the Heavens. On the day of Moshe's death, Bnei Yisroel were given unilateral authority over all Torah legislation. This is what is meant by "The Torah is no longer in the Heavens." This new authorization that Bnei Yisroel received is the instrument that obligates them to honor their commitment to be guarantors.

At Sinai, when Bnei Yisroel received the Torah, Chazal describe the relationship formed as that of a bride and groom. Hashem was the groom and Bnei Yisroel was the bride. On the day that Moshe died a new relationship was formed; Bnei Yisroel became the groom and the Torah was the bride. This is alluded to in the verse, "Torah tziva lanu Moshe morasha kehillats Yaakov." Chazal see in the word "morasha" an allusion to the word "meorasa," which means "betrothed" (i.e. the Torah that Moshe commanded us is also betrothed to us). The notion of the Torah not being in Heaven and the Torah becoming the bride to Bnei Yisroel are one and the same. The Talmud instructs a father to begin teaching his son Torah with the verse that reflects this new relationship.

Shavuot celebrates Bnei Yisroel becoming a bride to Hashem, while Simchas Torah celebrates Bnei Yisroel becoming betrothed to the Torah. This is reflected in the customs of the day. In most Jewish communities, a representative is chosen to be the "chassan Torah," the groom to the Torah. We also dance with the Torah as a groom dancing with his bride.

### **Quick Halacha**

Before the silent Mussaf prayer for Shemini Atzeres has begun, an announcement should be made reminding the congregation to insert the phrase, "Mashiv HaRuach UMorid HaGeshem." However, if no announcement was made, one should not recite this phrase in the silent prayer. The chazzan, however, recites the geshem benediction in his public repetition even in the absence of an announcement.

To Rule is Divine

He became King over Yeshurun (33:5).

The Ibn Ezra renders the verse "He became King over Yeshurun (i.e. Israel)" as a reference to Moshe being the King of Israel. The Ramban points out that this interpretation contradicts the following Talmudic discourse: A major component of the Rosh Hashanah

prayers is a section known as “malchiyos,” which declares the existence and total sovereignty of Hashem. One of the verses that the Talmud lists should be recited within this section is the verse, “Vayehi Bishuran Melech.” Clearly, the King being referred to in the verse is Hashem, not Moshe. How does the Ibn Ezra resolve this apparent contradiction? A more striking contradiction can be found in Rashi's commentary on the Torah. When explaining the verse “He became King over Yeshurun,” Rashi defines “King” as Hashem. In Parshas Behaaloscha, Hashem commands that a set of trumpets be fashioned for Moshe's exclusive use. Rashi comments that they were used in a manner befitting a king. Here Rashi cites the verse, “He became King over Yeshurun” to prove that Moshe had the status of king.

The Talmud teaches that, although a scholar may waive the honor that is due to him, a king is not permitted to do so. The Mordechai, one of the early Talmudic codifiers, sheds some light on the reason for this. A scholar, who earns the right to be honored, may relinquish this right. However, the honor due to a king is Hashem's honor: “For sovereignty belongs to Hashem.” Therefore, a king has no right to waive the honor due to him. The Jewish notion of monarchy is that the king functions as a conduit for Hashem's sovereignty over the world. This is what is meant by sovereignty belonging to Hashem.

Moshe Rabbeinu epitomizes the notion of the Jewish king being the conduit for Hashem's sovereignty over this world. As Chazal say, “The Divine Presence spoke through Moshe's mouth.” Therefore, there is no contradiction in interpreting the verse “He became King over Yeshurun” as referring to both Hashem and Moshe, for Moshe's sovereignty is, in reality, the sovereignty of Hashem.

#### Question to Contemplate

In Vayikra, Rashi explains that the idea of Shemini Atzeres is akin to a king who makes a feast for his children for seven days and then pleads with them to remain for an extra day. Similarly, Hashem requests that Bnei Yisroel remain with Him for an extra day. The implication is that Hashem is the host and we are His guests. However, in Bamidbar, Rashi explains that on Shemini Atzeres Hashem says to Bnei Yisroel, “Please make for me a small feast so that I can enjoy your company.” Here, the implication is that we are the hosts and Hashem is our guest. How do we reconcile this apparent contradiction?

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## **Shabbat Shalom: Chol Hamoed Sukkot** **By Rabbi Shlomo Riskin**

Efrat, Israel – This magnificent three-week festival period – Rosh Hashanah, Yom Kippur, Sukkot – may be viewed and experienced in two dimensions simultaneously; the universalist, nationalist dimension, and the particularistic, individual/family dimension. Rosh Hashanah is the day on which the world was born, when the sigh-sob t'ruah sound of the shofar cries out against the tragedies and injustices of an imperfect world and the sharp, joyous t'kiyah sound reminds us of our responsibility – and ability – to help perfect the world in the Kingship of God by conveying the moral message of ethical monotheism; a God who demands justice, compassion and peace.

On Yom Kippur, the Almighty declares His readiness to forgive the nation Israel of its great sins – the idolatrous golden calf, the faithless cowardice of the scouts with the vision of our Holy Temple reaching out to all of humanity, “For My house is a House of Prayer for all nations” (Isaiah 56:7).

Sukkot is the climax of the season, taking us out of our egocentric, partisan lives and ordaining that we surround ourselves with fruits of the Land of Israel living beneath a roof of vegetation through whose spaces we look up at the stars. Seventy bullocks were sacrificed in the Holy Temple during the Sukkot Festival, symbolizing the seventy nations of the world. And finally, Shemini Atzeret announces the onset of the rainy season: rain is, after all, a gift of God to the world.

Shemini Atzeret moves into the uninhibited joy of Simkhat Torah – the Rejoicing of the Torah, when all Torah Scrolls are taken out of the Holy Ark and become the focus of frenzied dancing not only in the synagogues but also outside in the streets – the public domain – in order to imbue the world with its message of “Thou shalt not murder” and “Thou shalt love thy neighbor as thyself.”

However, Judaism understands only too well that one dare not focus on humanity without concentrating on individuals. One cannot be a concerned universalist without hearing the cries of one's next door neighbor. Yes, it is the Jewish mission to convey the message of ethical monotheism to a world. The people of the covenant must perfect the world in the Kingship of our God of justice, compassion and peace. But first we must perfect ourselves: not only our nation, but our

community; not only our community but our family; and not only our family but ourselves.

A disciple once approached Rabbi Yisrael Salanter (1800-1870), founder of the Ethicist (Mussar) Movement in Judaism, seeking permission to spread the ethical and moral message of the Master to Germany and Austria. The rabbi responded: “And is the City of Salant so imbued with my teachings that you can afford to leave Lithuania? And is the street on which you live so morally inspired that you can teach in another community? And is your own family so careful in their conduct that you can preach to other families? And what about you, my beloved disciple? Are you on such a high level of ethical integrity that no one could criticize you?”

And so, Rosh Hashanah ushers in a ten-day period of repentance and introspection when we must be mindful of the need to perfect the world, but we must first attempt to perfect ourselves. Rosh Hashanah is the day on which the world was born, but it is also the “Day of Judgment,” when everyone passes before the Almighty to be evaluated and judged, when each of us must evaluate and judge ourselves from the perspective of Divine standards.

Yom Kippur may be a historic and national day of forgiveness, a day on which we invoke our Holy Temple as a “House of Prayer for all nations,” but it is first and foremost a day in which the individual stands in isolation from the world in the presence of the Divine. No food, no drink, no sexual relationship – with almost the entire day to be spent in God’s house. Each of us rids ourselves of all materialistic encumbrances, separates ourselves from physical needs and blandishments, enters a no-man’s land between heaven and earth, between life and death, dons the non-leather shoes worn by the mourner, and in effect feels what it’s like to mourn for oneself by asking what legacy would I leave, were I to be taken from the world today?

And then comes Sukkot. Leave your fancy surroundings for a week; go back to basics. Spend seven days with your family in a simple hut. Remember that “when familial love is strong, a couple can sleep on the edge of a sword; but when familial love has gone sour, a bed of sixty miles does not provide sufficient room” (B.T. Sanhedrin 7a). Forget Netflix and Facebook; bring the special guests of the Bible into your simple but significant space, commune with Abraham, Isaac, Jacob, Moses, Aaron, Joseph and David, Sarah, Rebecca, Rachel, Lea, Miriam,

Deborah and Ruth. Introduce them to your children – rather than today’s pop stars and Instagram influencers – and sing and speak and share together. Remember – and communicate – that what is important is values not venues, content not coverings, inner emotions and not external appearances. And let the sukkah lead you to Simkhat Torah, to the love and joy of Torah, which will help form the kind of individuals and families who can build communities and, ultimately, change the world. Shabbat Shalom and Chag Sameach!

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## **Succot For Our Time**

### **Rabbi Jonathan Sacks**

Of all the festivals, Succot is surely the one that speaks most powerfully to our time. Kohelet could almost have been written in the twenty-first century. Here is the picture of ultimate success, the man who has it all – the houses, the cars, the clothes, the adoring women, the envy of others – he has pursued everything this world can offer from pleasure to possessions to power to wisdom and yet, surveying the totality of his life, he can only say, in effect, “Meaningless, meaningless, everything is meaningless.”

Kohelet’s failure to find meaning is directly related to his obsession with the “I” and the “Me”: “I built for myself. I gathered for myself. I acquired for myself.” The more he pursues his desires, the emptier his life becomes. There is no more powerful critique of the consumer society, whose idol is the self, whose icon is the “selfie” and whose moral code is “Whatever works for you.” This is the society that achieved unprecedented affluence, giving people more choices than they have ever known, and yet at same time saw an unprecedented rise in alcohol and drug abuse, eating disorders, stress-related syndromes, depression, attempted suicide and actual suicide. A society of tourists, not pilgrims, is not one that will yield the sense of a life worth living. Of all things people have chosen to worship, the self is the least fulfilling. A culture of narcissism quickly gives way to loneliness and despair.

Kohelet was also, of course, a cosmopolitan: a man at home everywhere and therefore nowhere. This is the man who had seven hundred wives and three hundred concubines but in the end could only say, “More bitter than death is the woman.” It should be clear to anyone who reads this in the context of the life of King

Solomon, the author of the book, that Kohelet is not really talking about women but about himself.

In the end Kohelet finds meaning in simple things. “Sweet is the sleep of a labouring man.” “Enjoy life with the woman you love.” “Eat, drink and enjoy the sun.” That, ultimately, is the meaning of Succot as a whole. It is a festival of simple things. It is, Jewishly, the time we come closer to nature than any other, sitting in a hut with only leaves for a roof, and taking in our hands the unprocessed fruits and foliage of the palm branch, the citron, twigs of myrtle and leaves of willow. It is a time when we briefly liberate ourselves from the sophisticated pleasures of the city and the processed artefacts of a technological age, where we take time to recapture some of the innocence we had when we were young, when the world still had the radiance of wonder.

The power of Succot is that it takes us back to the most elemental roots of our being. You don’t need to live in a palace to be surrounded by clouds of glory. You don’t need to be gloriously wealthy to buy yourself the same leaves and fruit that a billionaire uses in worshipping God. Living in the succah and inviting guests to your meal, you discover that the people who have come to visit you are none other than Abraham, Isaac and Jacob and their wives (such is the premise of Ushpizin, the mystical guests). What makes a hut more beautiful than a home is that when it comes to Succot there is no difference between the richest of the rich and the poorest of the poor. We are all strangers on earth, temporary residents in God’s almost eternal universe. And whether or not we are capable of pleasure, whether or not we have found happiness, nonetheless we can all feel joy.

Succot is the time we ask the most profound question of what makes a life worth living. Having prayed on Rosh Hashanah and Yom Kippur to be written in the Book of Life, Kohelet forces us to remember how brief life actually is, and how vulnerable. “Teach us to number our days that we may get a heart of wisdom.” What matters is not how long we live, but how intensely we feel that life is a gift we repay by giving to others. Joy, the overwhelming theme of the festival, is what we feel when we know that it is a privilege simply to be alive, inhaling the intoxicating beauty of this moment amidst the profusion of nature, the teeming diversity of life and the sense of communion with those many others who share our history and our hope.

Most majestically of all, Succot is the festival of insecurity. It is the candid acknowledgment that there is no life without risk, yet we can face the future without fear when we know we are not alone. God is with us, in the rain that brings blessings to the earth, in the love that brought the universe and us into being, and in the resilience of spirit that allowed a small and vulnerable people to outlive the greatest empires the world has ever known. Succot reminds us that God’s glory was present in the small, portable Tabernacle Moses and the Israelites built in the desert even more emphatically than in Solomon’s Temple with all its grandeur. A Temple can be destroyed. But a succah, even if broken, can be rebuilt tomorrow. Security is not something we can achieve physically but it is something we can acquire mentally, psychologically, spiritually. All it needs is the courage and willingness to sit under the shadow of God’s sheltering wings.

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### **Rabbi Hershel Schachter**

#### **Anonymous Contributions**

Hashem's creation of the world yeish mai'ayin was certainly a fantastic miracle that no human being can possibly fathom. The Gemorah has a principle that Hashem would never bring about a miracle unless He has a very good reason to do so. The posuk in Breishis alludes to the sifro shel Adam Harishon, the book of the history of the world that Hashem showed to Adam Harishon when he was created. This book outlines the development of world history and the development of Torah from generation to generation. Hashem has a plan in this world leading up to the days of Moshiach. Human beings are called upon to become partners with Hashem to bring about the result that He wants. In Sefer Koheles, Shlomo Hamelech describes the way people are all jealous of each other, competing with each other, and how each one wants to outdo others and leave his mark on the world. Everyone wants to leave a legacy and leave his mark on history. Shlomo Hamelech tells us how ridiculous this is. We should all try to ascertain what our mission in life is and partner with Hashem in bringing about His plans for the next stage in history.

The mishna in Rosh Hashanah points out that the Torah did not mention the names of the seventy zekeinim who were together with Moshe Rabbeinu in the Sanhedrin. In every generation there are always anonymous talmedei chachomim and tzadikim who partner with Hashem to transmit the masorah of Torah

to the next generation. The Rambam (introduction to Mishna Torah) writes that by right he should have quoted the names of the Tanoim and Amoroim whose opinions were accepted; he should have mentioned that this din was formulated by R' Akiva and that din was formulated by Rava, etc. Instead he left out all of the names of the chachomim. However, to fulfill that requirement of omer dovor b'sheim omro, the Rambam lists off the forty generations between Moshe Rabbeinu and Ravina and Rav Ashi. Apparently the Rambam thinks that the purpose of omer dovor b'sheim omro is not so much to give credit where the credit is due, but rather that the listener who hears the halacha should realize that all the halochos are coming from a strong masorah that goes all the way to Moshe and Yehoshua. By listing the names of the talmidei chachomim of the forty generations, the Rambam is telling us that every halacha that he is quoting was transmitted from reliable chachmei HaMasorah and therefore when we learn all of these halochos it is considered as if we are hearing everything mi'pi HaGevorah. Our role in this world is not to gain honor and glory and to leave our mark on history but rather to be careful not to get in the way of Hashem's developing history the way He wants, and from time to time to partner with Him in developing this history

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### **When Moses declines to lead Grace after Meals**

At the Redemption, Moses will be asked by God to "take the cup of wine and say Grace." But he will reply "I cannot say Grace."

**Dvar Torah written by: Nachshon Vered,  
presented by Avram Leeder**

Rabbi Avira expounded: "What is meant by 'And the child grew, and was weaned (Va-yiggamel)?' The Holy One, blessed be He, will make a great banquet for the righteous on the day He manifests (yigmol) His love to the seed of Yitzhak.

After they have eaten and drunk, the cup of Grace will be offered to our father Avraham, that he should recite Grace, but he will answer them, "I cannot say Grace ..."

Then Yitzhak (Isaac) will be asked, "Take it and say Grace," "I cannot say Grace," he will reply ...

Then Ya'akov (Jacob) will be asked: "Take it and say Grace," "I cannot say Grace," he will reply ...

Then Moshe (Moses) will be asked, "Take it and say Grace," "I cannot say Grace, because I was not privileged to enter Eretz Yisrael either in life or in death."

Then Yehoshua (Joshua) will be asked: "Take it and say Grace," "I cannot say Grace," he will reply ...

Then David will be asked: "Take it and say Grace," "I will say Grace, and it is fitting for me to say Grace," he will reply, as it is said, 'I will lift up the cup of salvation, and call upon the name of the Lord.' "

[Pesachim 119b]

Exposition of the Gemara

The Gemara teaches that in future the Holy One, blessed be He, will host a banquet for the righteous, and at its conclusion, the cup of Grace will be passed among those in attendance, first offered to our father Avraham, who will refuse, deeming himself unworthy. In turn, the cup will be offered to Yitzhak and to Ya'akov, each of whom will present his reason for refusing to take the cup. When Moshe is asked to take the cup, he will refuse, because he was not privileged to enter Eretz Yisrael, neither in life nor in death. Finally, the cup will be offered to King David, who will accept and lead the Grace.

We shall analyze Moshe Rabbeinu's comment and thereby attempt to delve into the significance of entering Eretz Yisrael.

Then Moshe will be asked, "Take it and say Grace." He will reply "I cannot say Grace, because I was not privileged to enter Eretz Yisrael either in life or in death."

Moshe Rabbeinu's words relate to entering Eretz Yisrael on two levels, in life and after death, implying that the virtue of entering the Land even in death is so great that had he been privileged to do so, Moshe would have accepted the cup of Grace even though he was not privileged to enter the Land in life. In essence, Moshe words imply that entering the Land after death would be compensation for being unable to enter her alive.

(We must note that Moshe Rabbeinu's comment refers to entering western Eretz Yisrael, which has a higher level of sanctity than the Land east of the River Jordan, since he indeed was in eastern Eretz Yisrael.)

What is the Virtue of Burial within the Land?

Moshe Rabbeinu's words seem astonishing: is the virtue of being buried in the Land truly so great? While we have numerous comments of Chazal (our Sages) concerning the importance of burial within the Land, as well as the requests of Ya'akov and of Yosef

to be buried in Eretz Yisrael, nonetheless it is surprising to assume that entering the Land after death is so significant as to constitute “atonement” for not having entered her in life.

It is clear that there is a mitzva to settle the Land and live within her, but can this mitzva be fulfilled in death? Is it conceivable that a Jew who never donned tefillin in his life can fulfill the mitzva by having tefillin put on him after his death?

We shall examine some of our sources which deal with the virtue of burial within the Land, and through them try to understand its greatness.

Talmud Yerushalmi: The Land Will Atone

Talmud Yerushalmi relates a story which conveys the significance of burial within the Land:

Rabba bar Karya and Rabbi Elazar were strolling in the street when they saw coffins arriving from outside the Land. Rabba bar Karya said to Rabbi Elazar “What have they accomplished? Concerning them the verse says “You made My inheritance detestable” – in your lives, “You defiled My Land” [ibid.] – in death. Rabbi Elazar responded: “When they arrive in the Land, a clump of soil is placed on their coffins, as the verse states ‘The Land will atone for the nation.’”

Upon seeing coffins of Jews from abroad being brought to burial in the Land, Rabba bar Karya applied the verse “After you entered, you defiled My Land; you made My inheritance detestable” – “You defiled My Land” by not ascending to her in life; “You made My inheritance detestable” by coming to her in death. Rabbi Elazar responded that there is a purpose – a clump of soil of the Land is put on the coffin and this effects atonement, as the verse states “The Land will atone for the nation.”

Burial Within the Land Atones

Rabbi Elazar’s statement in the Yerushalmi teaches that someone who was never in Israel in life but is buried within her – though he is reprimanded for not being in the Land while alive – achieves atonement through the soil of Eretz Yisrael. The Babylonian Talmud makes a similar comment:

Rabbi Anan said: Whoever is buried in the Land of Israel is considered to be buried under the altar; since in respect of the latter it is written in Scripture, “You shall make an earthen altar to Me” and in respect of the former it is written in Scripture, “The Land will atone for the nation.” Ketubot 111a

The Gemara connects the two pesukim (verses) and learns that burial within the Land is the equivalent of burial under the altar. The clear conclusion is that as

the altar effects atonement, so too does the soil of Eretz Yisrael.

This comment explains Moshe Rabbeinu’s words: had he been privileged to enter the Land after his death, his sins, including that at Mei Meriva (for which God decreed that Moshe does not enter the Land), would have been forgiven. Had this been the case, Moshe would have accepted the cup of Grace.

However, this presents a revolutionary concept. How is it possible that technical placement of soil of the Land erases a person’s sins? Is it indeed possible to achieve atonement without repentance in life or through suffering which achieves atonement?

Sins – Because of the Exile

Rabbi Avraham HaCohen Kook zt”l, Israel’s first Chief Rabbi and the iconic leader of Religious Zionism, explains that the root of all sins is in the exile from the Land and the impurity of the lands of the nations. It is only because of these factors that the reality of sin exists. The atmosphere of a place is affected by the actions of its residents, and in turn, the place conveys that influence to the entire surroundings.

The inclination to sin is like airborne bacteria: upon reaching practical expression, it is likely to infect everyone in the vicinity, knowingly or unknowingly. Therefore, outside the Land, where we are subject to the influences and pressures of the exile, surrounded by nations which do not always act in a proper manner, we are likely to sin. In contrast, Eretz Yisrael herself, which has a pristine and pure atmosphere, is not inherently subject to sinning. For this reason, the Land casts out sinners, in order to protect the pure atmosphere from spiritual pollution.

Thus, explains Rabbi Kook, it is clear that the nations which surround us in exile have a significant negative impact on our spiritual level. Therefore “He will take vengeance on His adversaries; He will purify His Land and His people,” as Chazal (our Sages) taught [Yalkut Shimoni Yeshaya 506] “The Holy One, blessed be He, will take all the sins of Am Yisrael and place them on the head of the ministering angel of Esav.” Retroactively, the culpability of the nations for the sins of Am Yisrael will be revealed.

However, as long as we have not merited the complete redemption (physical and spiritual) we ourselves bear responsibility for not being redeemed through the virtue of our actions, as Chazal taught “Any generation in which the Beit HaMikdash (Temple) is

not rebuilt is considered as the generation in which the Beit HaMikdash was destroyed” .

Rabbi Kook’s words allow us to understand the Talmud Yerushalmi’s comment concerning the penitential quality of the Land. In essence, burial within the soil of Eretz Yisrael conveys the concept that the person’s sins were due to the external influences of the nations, but do not reflect his essential nature.

Someone who lived and was buried in the impure conditions of the lands of the nations is connected to that place and therefore was not redeemed in his life. However, return to the Land for burial indicates that the person was inherently free of sins – “The Land will atone for the nation.”

Thus, placing soil of the Land on the body of a Jew from abroad is not simply a technical act of moving the soil, but a substantive statement about the character of the Israelite. The soil of Eretz Yisrael affects atonement for the departed by revealing that from the outset, his sins were not exclusively his personal responsibility. Therefore, had Moshe been able to enter the Land after his death, he would have accepted the cup of Grace; entering the Land, even after death, would have revealed even more clearly his spiritual greatness.

Above we compared entering the Land after death to donning tefillin after death, questioning how actions after death can compensate for their absence during life. The Gemara [Rosh HaShana 17a] defines “The rebellious Jews who have sinned with their bodies” as referring to “The skull that did not don tefillin.” The Rif explains that this refers to a Jew who never donned tefillin, but one who donned tefillin even once in his life is not in the category of “The rebellious Jews who have sinned with their bodies.”

Our analogy to tefillin is significant: just as donning tefillin even a single time indicates the true character and essence of the Jew, so too does entry into the Land, even after death.

Summary

We began with the Gemara which relates that in the future God will pass the cup of Grace among the righteous, with each refusing to accept it because of his own spiritual flaw. Moshe Rabbeinu will refuse because he was not buried in Eretz Yisrael. Moshe’s words imply that the virtue of burial within the Land is so great that even one who never entered the Land in life is considered as having done so.

We wondered how entering the Land for burial compensates for not having come to her in life. We answered by noting the Talmud Yerushalmi and the Bavli in Ketubot which compare burial in the Land to burial under the altar, teaching that burial within the Land conveys atonement.

Noting Rabbi Kook’s comment that when Israel is in exile, it is influenced by the nations of the world, who share responsibility for Israel’s sins, we explained that placing soil of Eretz Yisrael on the body of a Jew brought to burial within her is not merely a technical act, but reveals the culpability of the nations in Israel’s sins and therefore effects atonement. Therefore, had Moshe been buried in the Land, his great spiritual level would have been clarified even more and the soil of the Land would have atoned for his sins.

Postscript: Rabbi Moshe Bassula was an Italian kabbalist, who ascended to Eretz Yisrael in the mid-sixteenth century, settling in Tzfat, where he became close to Rabbi Moshe Cordovero. In his book *Sefer haMasa’ot*, Rabbi Bassula described a gentile cemetery in Venice, in which the nobility of the republic were buried with soil brought from Eretz Yisrael!

“There is a place there (in Venice) to which many ships brought soil from Eretz Yisrael and in which they buried the nobility of earlier times; this is a clear sign that everyone recognized the sanctity of Eretz Yisrael.”

How fortunate are we that even the gentiles recognize the loftiness and sanctity of Eretz Yisrael.

Eretz Yisrael Yomi

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**Stories that Teach**

**OU Staff**

June 29, 2006

Throughout Sukkot, special offerings were brought on the Altar in the Temple. Our Sages have taught us that the 70 special bull sacrifices brought on Sukkot were for the benefit of the 70 nations of the world. On Shemini Atzeret, the holiday that appears to be the eighth day of Sukkot, only one bull sacrifice was brought. Shemini Atzeret is a holiday that G-d gave the Jewish people as a send-off of sorts. It is one last time for the Jewish nation to rejoice with G-d before the long stretch until Pesach, the next holiday (see vol. I:48). The Maggid of Dubno explains by means of a

parable why one special offering was brought on this day which is dedicated to the Jewish nation.

Story A wealthy man went on a long journey. While on his trip, he purchased many gifts for his family back home. Upon his return, he gave out the presents. He showered the children of his wife (his stepchildren) with many gifts, while to each of his children he gave a few small presents. He did such based upon the following rationale. My stepchildren will be happy now only with presents. However, my children should be happy because I have returned. Although I want them to have gifts, I do not want the joy of receiving the presents to overshadow the joy they should feel upon my return. Therefore, I will give them some small gifts.

In order to bring joy to the nations of the world, G-d felt it was necessary to command the offering of a large amount of sacrifices. As it is the offerings on their behalf alone that bring them joy, the nations were given 70 sacrifices. However, the Jewish people experience great joy just knowing that they are in the company of G-d. On Shemini Atzeret, when G-d wants to rejoice with us one last time, all we need is one sacrifice to compliment the joy that already exists. This joy extends to Simchat Torah, the day that follows Shemini Atzeret in the Diaspora (see vol. I:49). (Simchat Torah begins at nightfall on Thursday, October 23, 1997) Reb Naftoli from Ropshitz once told of a man he met who taught him what he considered an amazing lesson about joy. On Simchat Torah one year, he saw a man who looked like he was thoroughly enjoying the day's celebration. His mouth did not stop singing and his legs would not stop dancing. He was totally immersed in the joy of the celebration of completing the Torah. What Reb Naftoli thought was unusual was that this individual was a simple porter, who knew little of Torah and its study. Reb Naftoli called him over and asked him how come he was celebrating with such fervor. Did he learn so much this year that his celebration should be so enthusiastic? The porter's answer was what impressed Reb Naftoli. He said "Rebbe – how can my brother make a simcha – a celebration – and I not be happy?!"

Hopefully we will all celebrate Simchat Torah as a celebration of our own accomplishments. Even if that is not the case, we should celebrate together with our brothers and sisters, and hope that next year the joy will be personal as well. However, although we celebrate, there is still not total joy, as we are in exile.

The Prince of Mannheim once approached the Netziv, Rabbi Naftali Berlin, with the following question: Every year at the Seder on Pesach, Jewish children ask their father "Mah Nishtana...", "Why is this night different from all other nights..." Pesach is not the only time Jews perform unusual commandments. On Sukkot, the Jews move out of their comfortable homes and dwell outdoors in a hut. Shouldn't this cause a child to ask Mah Nishtana on Sukkot as well?

The Netziv answered that the observances on Pesach are truly different. A child sees actions that are not in accordance with Jewish life. The whole family sits and reclines together at the table with tranquillity and perform actions of truly free people. All actions are performed deliberately and with precision and order. This causes a child to wonder what is going on. How is it possible that Jews can live with order, peace, and tranquillity? However, on Sukkot, the child sees the family exit their house and take shelter in the Sukkah. For a Jewish child, this is not a strange sight. He knows that the Jews are treated as a lowly nation by others. He knows that the Jews have been forced to constantly wander in exile. He knows that the Jews have never considered their house their permanent home because they may have to move in a moment's notice to flee persecution. For the child, leaving the home is not a strange sight. Therefore, the child does not ask Mah Nishtana on Sukkot.

May it be G-d's will that come next Sukkot, asking Mah Nishtana will be totally appropriate for the occasion.

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**Shemini Atzeres • Torah.org**

**Dr. Nosson Chayim Leff**

Sfas Emes, Zechuso Tagein Aleinu, Shemini Atzeres, 5632

Let us work with the Sfas Emes's very first ma'amar in the section entitled "Lesukkos" ('For Sukkos'). This ma'amar has much to tell us both about Sukkos and about Shemini Atzeres.

The Sfas Emes begins by telling us that the eight days of Sukkos give the world its life for the entire year. That is, on Rosh Hashana, HaShem decides the measure of chiyus (vibrancy, vitality) for the world in the year to come. But it is on Sukkos that the chiyus actually flows out to give life to all creation. The Torah provides a unique mitzva as a metaphor for this feature of reality. That mitzva is nisuch hamayim, the ceremonial offering of waters poured over the mizbei'ach (altar), on Sukkos (and only on Sukkos).

The chiyus that flows to the world on Sukkos is a life-force for olam hazeh (literally, “this world”). But the Sfas Emes is probably using the term to refer to physical/material existence in general). Obviously, non-Jews also participate in olam hazeh. For this reason, the fact that Sukkos is the time when chiyus flows out to the physical/material world has an important implication . It implies that non-Jews, too, have access to this life-force. The Torah provides a metaphor to express the connection linking the nations of the world to HaShem on Sukkos. That metaphor is the korban (sacrificial offering) of 70 bulls that we bring over the course of Sukkos. The format of this korban reflects the notion that 70 nations comprise all humankind. Thus, as we see, the Torah provides a place for all nations to participate in the celebration of Sukkos.

By contrast, the chiyus that flows out to the world on Shemini Atzeres is for the life of olam habba (literally, the “world to come,” but again, probably intended by the Sfas Emes more generally to refer to the life of ruchniyus — spirituality). That life is uniquely for Bnei Yisroel. Why? Because this chiyus hapenimiyus (inner life-force) is expressed through Torah, and Torah is the central feature of our lives.

But there is a major problem. In olam hazeh, we can perceive only the world’s external appearance. Thus we see nature, but not HaShem, Who is behind nature. Because our perception of the world is misleading, we are at risk. For, as we know, bad metaphysics leads to bad physics, Fortunately, the Sfas Emes tells us, we also have available protection in our exposed, dangerous situation. The mitzva of sukka can provide the protection we need in order to live our lives with an accurate picture of reality.

How can a sukka provide that protection? The sukka is HaShem’s testimony that even in this physical/material world, the central feature of our life is Torah. How does that work? To address that critical question, the Sfas Emes cites the term that the Zohar uses to refer to the sukka. This term is crucial for our understanding of the mitzva and by extension, the yom tov of Sukkos. The term that the Zohar uses for the sukka is: “tzila di’meheimenusa”.

Let us see what these words mean and what they tell us. “Tzila” is “shade” — the sekhach which shields us from the sun’s blazing heat. “Di’meheimenusa” means “of emuna”. I translate “emuna” as “affirmation”. That is, by dwelling in the sukka, we affirm. HaShem’s Omnipresence, shielding us from harm.

Summing up, the Sfas Emes has told us that Sukkos is oriented to the physical/material world, a world to which non-Jews also have access. A key feature of that world is the misleading impression it conveys of reality. Hence, on Sukkos we need protection, as provided by our dwelling in the sukka. By contrast, Shemini Atzeres is purely Torah and ruchniyus. Consequently, on Shemini Atzeres, there is no need for the protection afforded by a sukka. For, being pure ruchniyus, Shemini Atzeres is, in effect, its own sukka.

(I suggest that you pause and take a deep breath before proceeding. Why? Because what comes next shows the Sfas Emes in an amazing, breath-taking light: being both the Gerer Rebbe and a Gaon Olam; both the Sfas Emes on Shas and the Sfas Emes on the Torah.) Return to what was said earlier: that being pure ruchniyus, Shemini Atzeres does not need the protection of a sukka. For, being pure ruchniyus Shmini Atzeres is, in effect, its own Sukka. Now the Sfas Emes continues: perhaps this is what Chazal had in mind when they said (Sukka, 47,a) that on Shemini Atzeres, we dwell in the sukka — even though, in fact, we do not!

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### **Office of the Chief Rabbi**

#### **D’var Torah: Shmini Atzeret & Simchat Torah**

The Chief Rabbi’s D’var Torah for Shmini Atzeret and Simchat Torah.

The day on which rain falls is as great as the day on which the Torah was given. This astonishing statement was made by Rabbi Yehuda in the Gemara in Masechet Taanit (Daf Zayin Amud Alef). He declared, “Gadol Yom Hagshamim K’Yom Shenitnah B’Torah – The day of rainfall is as great as the day on which Torah was given.”

He relies on a source in Parashat Haazinu which we recently read. “Yaarof K’Matar Likchi – (Hashem says) Let my doctrine, (which is the Torah) come down like the rain.” The Maharsha gives a beautiful ‘peirush’. He says that water is the most important element of matter which fills our universe and in the same way, Torah is the key ingredient of all spirituality. Rain in Hebrew – ‘Geshem’ – is the root for ‘Gashmiut’ which is materialism. And therefore, you have the material world and the spiritual world matching each other.

In the Gemara, Rava goes one step further. He says “Gadol Yom Hagshamim M’Yom Shenitnah B’Torah

– The day of rain fall is greater than the day on which Torah was given. He learns this from the very same verse” Yaarof K’matar Likchi – (Hashem says) Let my doctrine, the Torah, fall like rain.” This means that the Torah is compared to rain, indicating that rain is even greater.

It is a bit like if I were to give a compliment to a musician by saying, “You’re just as great as Beethoven was.” Well that means that I really consider Beethoven to have been greater. But if I would say that ‘Beethoven was as great as you are’, that suggests you are greater.

Here the Torah is being compared to rain, suggesting that the day on which rain falls is greater than the day on which Torah was given. Once again the Maharsha helps us, and explains that when rain falls, it affects everybody. However, when Torah is given it doesn’t affect everybody, it only positively affects the lives of those who embrace it, who take hold of the opportunities that it presents to have their lives enhanced through the study of Torah and through the practise of its Mitzvot. Therefore, unfortunately, realistically, in terms of impact, a day of rainfall is greater than the day on which the Torah is given.

Over the two concluding days of this festive period we actually have rainfall and Torah celebration merging together through the festivals of Shemini Atzeret and Simchat Torah. On Shemini Atzeret we pray for rain and on Simchat Torah we rejoice in the Torah.

I believe that our tradition here throws out a challenge to us. We need to strive to ensure that the giving of Torah has the same impact as the fall of rain. In order that we can engage in Torah, embrace its values and perform its Mitzvot to enable us to have truly fulfilling and life enhancing experiences.

Let us therefore ensure this year that we have a true Simchat Torah that we celebrate not only the Torah that Hashem gave us but the extent to which we all wish to receive it.

I wish you all Chag Sameach.

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## **The Nature of Shemini Atzeret**

**Rav Amnon Bazak**

### **I. Introduction**

Among the most fascinating phenomena in our oral tradition is the evolution of the various festivals over the generations. In previous articles, we analyzed the character of Rosh Ha-shana as presented in Tanakh and as understood by Chazal, and we noted how Sukkot underwent a similar process of development as

Rosh Ha-shana. (These articles can be found on the VBM holiday webpages.) Here, we will examine the nature of Shemini Atzeret, the significance of Simchat Torah, and the conceptual link between them. (Recall that in Israel, Simchat Torah is celebrated on Shemini Atzeret, while in the rest of the world Simchat Torah is celebrated the next day, i.e. on Yom Tov Sheni shel Galuyot of Shemini Atzeret.)

### **II. "One Bull"**

In order to identify the Biblical significance of Shemini Atzeret, we must carefully examine all references to this festival in the Torah. The Torah refers to it first in Vayikra 23: "On the eighth day shall be a holy gathering to you... and you shall do no servile work" (verse 36); "On the first day [of Sukkot] should be a sabbath and on the eighth day should be a sabbath" (verse 39). These descriptions of Shemini Atzeret offer no information whatsoever regarding the unique quality of this holiday. All we are told is its status as a "mikra kodesh" (holy gathering), like the other festivals, and its title of "atzeret," which it shares with the seventh day of Pesach (Devarim 16:8).

An allusion to the character of the day may emerge, however, from the section of the Torah dealing with the mussaf sacrifice (Bemidbar 29). The mussaf sacrifice offered on Shemini Atzeret, we are told, consists of just one bull (verse 36), as does the mussaf sacrifice on Rosh Ha-shana (verse 2) and on Yom Kippur (verse 8). The mussaf on all other festivals features more than one bull. (Rosh Chodesh, Shavuot, and Pesach require two, and on Sukkot the number of bulls changes each day in descending order, from thirteen to seven.)

Apparently, there exists a fundamental connection between Shemini Atzeret, Rosh Ha-shana and Yom Kippur. It would seem that this relationship involves the significance of these festivals as the culmination of one agricultural year and the beginning of another. In the aforementioned articles, we established that the Torah employs two simultaneous systems of counting years. The first "year," which applies only to Benei Yisrael, begins in Nissan - "This month [Nissan] shall be for you the first of the months, it is the first for you for all months of the year" (Shemot 12:2). But the Torah recognizes a second method of counting years, namely, the natural, agricultural year, which begins in the autumn (Tishrei) and comes to a close the following year.

According to this system, Sukkot is referred to as "the period of the year" (Shemot 34:22) and "the close of

the year" (Shemot 23:16). Similarly, the Torah writes about the mitzva of hak'hel, which occurs during Sukkot after the Sabbatical year, "At the end of the seventh year... on the festival of Sukkot" (Devarim 31:10). The first of the month, Rosh Ha-shana, celebrates the beginning of this special month. Yom Kippur, too, constitutes the beginning of the year, as we see from the fact that the shofar-blowing on Yom Kippur of the fiftieth year signifies the beginning of the jubilee year.

It would seem, then, that Shemini Atzeret marks the end of the year. After the seven days of Sukkot, the festival of the harvest (Shemot 23:16), which, as we have seen, occurs "at the close of the year," we observe one day on which the agricultural year formally comes to a close. Therefore, although Shemini Atzeret is linked to Sukkot in one sense - "On the first day should be a sabbath and on the eighth day should be a sabbath" - it nevertheless retains its independent identity, as reflected in the fact that the mitzvot of lulav and sukka no longer apply. In this manner, Shemini Atzeret differs drastically from the seventh day of Pesach, on which the mitzvot of Pesach still apply ("You shall eat matza for seven days" - Vayikra 23:6), and whose mussaf sacrifice (two bulls, one ram, and seven sheep) is the same as the preceding days: "Like these you shall do for seven days" (Bemidbar 28:24).

Chazal (Sukka 48a and elsewhere) have already noted Shemini Atzeret's independence from Sukkot, and listed six halakhot regarding which this holiday stands separate from Sukkot.

1) "Paysis:" A separate lottery was conducted on Shemini Atzeret to determine which Kohanim would offer the bulls of the mussaf sacrifice (Sukka 55b). The lottery conducted on Sukkot did not relate to the allocation of duties for Shemini Atzeret.

2) "Zeman:" The occasion of Shemini Atzeret requires the recitation of the berakha of "She-hechyanu," as opposed to the seventh day of Pesach, which exists only as the last day of Pesach with no independent identity, and therefore warrants no new berakha.

3) "Regel:" Various interpretations have been suggested for this ambiguous expression. They include:

a. there is no requirement to eat in the Sukka (Rashi, Sukka 58a);

b. Shemini Atzeret does not receive the title "Chag Ha-sukkot" in our prayers (Rashi, Rosh Ha-shana 4b as explained by Meiri);

c. it cancels a period of mourning (Rabbenu Chananel, Rif);

d. one is required to stay overnight in Jerusalem following Shemini Atzeret (Tosafot); and

e. it counts as an independent holiday for the three-festival time limit for an individual who vowed to bring a sacrifice to the Beit Ha-mikdash (Ramban).

4) "Korban:" As mentioned, the mussaf sacrifice of Shemini Atzeret stands separate from that of the rest of Sukkot, as only one bull is offered. (According to the descending progression of bulls for the sacrifice, six bulls should have been required on Shemini Atzeret.)

5) "Shir:" The Levites sang a special Psalm on Shemini Atzeret (Tehillim 12), rather than following the song pattern of the rest of Sukkot (see Sukka 55a).

6) "Berakha:" Rashi understands this as a reference to the blessing recited by the king on the festivals; Tosafot point to the requirement to mention the festival in Birkat Ha-mazon (by adding "Ya'aleh Ve-yavo").

Clearly, Chazal recognized the independent quality of Shemini Atzeret and traced this uniqueness throughout the halakhot of this festival.

III. The Significance of Shemini Atzeret in the Diaspora

After the destruction of the Beit Ha-mikdash and Benei Yisrael's dispersion throughout the world, our connection to agriculture was lost; as a result, many mitzvot lost their essential qualities, to one degree or another. The mitzva of Shemitta, the sabbatical year, serves as a classic example. When this mitzva applied in all its glory, it reflected the religious virtue of "the land should observe a 'Shabbat' to God," as well as the social ideal of "the poor will eat [of the produce during the sabbatical year]." However, with the advent of the Jewish people's exile, this mitzva has lost much of its significance, and, to this very day, these ideals are not manifest to anyone but the farmer.

The Jewish festivals faced the same danger of losing their meaning with the loss of the Beit Ha-mikdash. However, both the Torah itself as well as the Oral Tradition provided an additional component to the nature of the holidays. Two of the festivals received this additional element explicitly in the Torah. Pesach marks not only the festival of the spring, but commemorates, first and foremost, the Exodus from Egypt. Similarly, the significance of Sukkot involves not only the agricultural element but also, "In order that future generations may know that I made the

Israelite people live in sukkot when I brought them out of the land Egypt" (Vayikra 23:43). (For a more elaborate analysis of the relationship between these two facets of the holidays, see Rav Mordechai Breuer's chapter in his book, Pirkei Moadot.)

No such historical reference appears in the Torah regarding Shavuot or Shemini Atzeret. As a result, these holidays ran the risk of having their unique qualities lost throughout the years of national homelessness. The Oral Law, however, proceeded to elucidate an additional aspect latent in these festivals. As opposed to the "Biblical Jew," for whom agriculture stood at the center of existence, the "post-Temple Jew" concentrates his religious life in the proverbial "four cubits of Halakha." Therefore, the agricultural calendar was replaced by the "Torah calendar." In this system, the festival of the first harvest (Shavuot), which commemorated the first opportunity to benefit from one's produce, was transformed into the holiday of Matan Torah, the first step in the nation's acceptance of the Torah. Shemini Atzeret, which, for the agrarian society, was celebrated as the end of the year, evolved into the celebration of the completion of the Torah reading, Simchat Torah.

#### IV. Celebrating the Completion of the Torah

This dimension of Shemini Atzeret as the celebration of the Torah was not fully accepted so quickly. It finds its source in Kohelet Rabba (chapter 1), in the context of the dedication ceremony of the Beit Ha-mikdash during the time of King Solomon:

"The people of Jerusalem came to stand before God, and [the king] offered burnt and peace offerings and made a feast for all his servants' - Rabbi Yitzchak said: This shows that one makes a feast when completing the Torah."

However, we know that two different traditions existed with regard to the Torah-reading cycle. The communities of Babylonia completed the reading annually, as we do today. The communities in Israel, by contrast, finished the cycle every three years (Megilla 29b). We would expect, then, that the celebration of Simchat Torah would be observed differently in the different locations, as not all communities completed the Torah at the same time.

Indeed, we find such a discrepancy in tradition in the work, "Chiluf Minhagim Bein Benei Eretz Yisrael U-vein Benei Bavel":

The communities of Babylonia observe Simchat Torah each year on Sukkot, and ... the communities of

Israel celebrate Simchat Torah only once every three-and-a-half years.

A particularly interesting account appears in the writings of the famous traveler, Binyamin of Tudela (thirteenth century):

There [in Cairo] were two synagogues, one for those from Israel and one for those from Babylonia... They observed different customs with regard to the reading of the portions in the Torah. The communities from Babylonia read a portion each week, as they do in Spain, thus completing the Torah each year. But the communities of Israel do not follow this practice. Rather, they divide each portion into three sections and finish the Torah every three years. There is among them a custom to join all together and pray on the day of Simchat Torah and on the day of Matan Torah.

The Rambam (Hilkhot Tefilla 13:1) records the prevalent practice of completing the reading each year and adds, "There are those who complete the Torah every three years, but this is not the widespread practice."

#### The Torah Reading and the Haftara

The changes which have overcome this holiday express themselves also in the Torah reading for Shemini Atzeret, as well as its haftara. The mishna (Megilla 30b) mentions no special reading for Simchat Torah, but rather states generically, "On the rest of the days of Sukkot, the reading is from the portions dealing with the sacrifices of Sukkot." The Gemara (31a) adds:

On the last day [of Sukkot], we read "Kol ha-bekhor..." [the section dealing with the festivals and its surrounding portions in Devarim 14-5], and for the haftara we read, "Vayehi ke-khalot Shelomo" [the account of the dedication of the Beit Ha-mikdash]. On the following day, we read "Ve-zot Ha-berakha" [the final portion of the Torah] and for the haftara we read, "Va-ya'amod Shelomo" [also related to the dedication of the Mikdash].

The Torah reading of the eighth day, and both haftarot, relate to Shemini Atzeret as one of the three regalim and as the day on which the Beit Ha-mikdash was dedicated. The Torah reading of the next day, however, seems to be contingent upon the individual customs of Simchat Torah. It is understandable why the Babylonian communities would read the final portion of the Torah on Simchat Torah, since Simchat Torah marks the completion of the Torah-reading cycle. But in the writings of the Geonim we find an additional reason for this reading, one which is

relevant even according to the custom of the communities of Israel: "In order to juxtapose the blessing of the king [Shelomo] to the blessing of Moshe" (Machzor Vitri).

Our custom, of reading the opening chapter of Yehoshua as the haftara on Simchat Torah, appears for the first time in the writings of Ritz Gi'at (R. Yitzchak ibn Gi'at). The reason is well understood, as this chapter immediately follows the end of the Torah, which is read on this day. Once the Babylonian custom of completing the cycle each year was accepted by communities throughout the world, and, consequently, "Ve-zot Ha-berakha" is read on Simchat Torah even in Israel, the opening chapter of Yehoshua has evolved as the standard haftara for Simchat Torah. This phenomenon reflects in strictly halakhic terms this conceptual transition of the day, from Shemini Atzeret to Simchat Torah.

We conclude with a citation from Ritz Gi'at:

It is customary on this day, the day on which we complete the reading of the Torah ... to sing all types of praises of the Torah and to rejoice in all types of celebration, and this day was called, "The Day of Simchat Torah."

This is the first source of which we know which refers to the holiday of Shemini Atzeret by the name Simchat Torah.

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*Ohr Somayach For the week ending 12 October 2019 / 13 Tishri 5780*

*Sukka on Shmini Atzeres?*

*Rabbi Yehuda Spitz*

As the sun sets on Hoshana Rabba, effectively ending the holiday of Sukkos, an annual machlokes dawns. As with much related to the Yomim Tovim, different minhagim come to the forefront this time of year. Not just the Sukkos-long variances as to the proper method of nanuim with the Lulav and Esrog, nor the correct order of the Ushpizin. Rather, this author is referring to sitting in the Sukka on Shmini Atzeres. Is it an obligation or recommendation? Prohibited or permitted? Why do some go to great lengths to make sure to eat or even sleep in the Sukka on this day, while others will make due with a simple Kiddush or even less? This article sets out to address this annual Sukkos "battle".

Sukka Source

The Torah states in Parashas Emor that "the Eighth day", the day following the weeklong holiday of

Sukkos, is a holiday as well, and also "an Atzeres,"[1] generally translated as an 'Assembly' or a day of 'Stopping' work. Rashi famously elucidates this interesting turn of phrase with the comment, "Atzarti Eschem Etzli",[2] that after a week of festivities, Hashem wishes to remain an extra day together with us, His children; reminiscent of a king who would do the same before taking leave of his children, to show how difficult it is to part from them.

This also means that this 'extra' day, colloquially known as Shmini Atzeres, is technically not part of Sukkos. Accordingly, on this day there is no Biblical obligation to do any of the Mitzvos exclusive to Sukkos: not shaking the Lulav nor eating in the Sukka. If so, why would anyone have a minhag to eat in the Sukka on Shmini Atzeres? It is an entirely separate Yom Tov!

Historical Halacha

To properly understand this, some Jewish History is in order, dating back several millennia. As long as the Sanhedrin in Eretz Yisrael established the New Month (Rosh Chodesh) based on eyewitnesses, far away places where Jews resided that did not receive messengers in time to tell them when the Rosh Chodesh was declared, would keep two days of Yom Tov instead of one. This was due to the uncertainty of which day Rosh Chodesh truly was and consequently when the Yomim Tovim actually fell out. This was done in order to ensure that no one should unwittingly transgress any Biblical prohibitions.[3] Later, when much calendar confusion reigned due to the subversive efforts of the Kutim, Chazal decreed that in Chutz La'aretz (the Diaspora), "Yom Tov Sheini", or a two-day Yom Tov, instead of the Biblically mandated one day, must be observed.[4]

The Gemara itself (Beitzah 4b) actually asks the most common question regarding "Yom Tov Sheini": 'But now that we have a set calendar and we know in advance when Rosh Chodesh will be, why must we still observe a "two-day Yom Tov"?' The Gemara answers that in the times of Rabbi Elazar ben Pedasa message was sent from the Rabbanim of Eretz Yisrael to the Diaspora: "Hizharu B'Minhag Avoseichem B'Yadeichem", 'You should still be vigilant with the custom of your forefathers that has been handed down to you (meaning that they must still keep "Yom Tov Sheini") because there might be times when the local government will issue a decree and it will cause confusion.'[5]

This is not the only time that such a communiqué was sent from Eretz Yisrael to Chutz La'aretz mandating them to keep 'Yom Tov Sheini'. In fact, the Yerushalmi records a similar occurrence,[6] that after Chazal found out about a specific incident in Alexandria, Rabbi Yosi (bar Zavda) sent out a message that even though there was a set calendar ('shekasvu lachem sidrei Moados'), still, "al tishnu Minhag Avoseichem", "Do not deviate an iota from the custom set by your forefathers", and observe 'Yom Tov Sheini'.

Chazal were extremely strict with this Takana and even put someone in Cherem (excommunication) for violating this decree (see Gemara Pesachim 52a).

The outcome of this has long since become a famous dichotomy: in Eretz Yisrael where there never was a safek yom or "day in doubt", since messengers would always be able to reach every community throughout Eretz Yisrael in time for Yom Tov, only one day of Yom Tov is celebrated,[7] exactly as it is written in the Torah, while in Chutz La'aretz each day of Yom Tov has long since become a "two-day Yom Tov".

However, it is important to note that this din of 'Yom Tov Sheini' only applies to the Shalosh Regalim: Pesach, Shavuot,[8] and Sukkos. Other Yomim Tovim do not share this distinction due to various reasons. In fact, and although debated by the Rishonim,[9] nowadays everyone must observe two days of Rosh Hashana,[10] even in Yerushalayim,[11] while all other holidays including Yom Kippur,[12] Purim,[13] and Chanuka,[14] are observed worldwide as just one day.

#### Separate But Equal

With this background in mind, let us return to our humble Sukka. In Eretz Yisrael there are no aspects of Sukkos manifested on the separate and distinct holiday of Shmini Atzeres. In fact, it is simply celebrated as Simchas Torah.

Yet, this also compounds our original dilemma for everyone in Chutz La'aretz. Since Yomim Tovim are celebrated as two days, what should be done on Shmini Atzeres in Chutz La'aretz? Is it treated as part and parcel of the preceding holiday of Sukkos, or does it maintain its exclusive status as a separate holiday? The upshot of this question would be whether one must still perform the Mitzvos of Sukkos on Shmini Atzeres or not.

Not a recent issue, the Gemara in Maseches Sukka (46b-47a) actually deals with this very subject: How Shmini Atzeres is viewed in halacha. After extensive

debate the Gemara famously concludes l'halacha that on Shmini Atzeres "Maysiv Yasvinan, Brochi Lo Mevorchinan." In other words, we must eat in the Sukka, but we don't make the regularly mandated bracha of "leishev baSukka." The Rosh[15] explains that since Sukkos and Shmini Atzeres are separate and different holidays and have different sets of Mitzvos, we cannot perform all of their Mitzvos, as it would be 'tarti desasri', an outright contradiction. Rather, we only do what we can lechumra, meaning eating in the Sukka, but not making the blessing.

Another interesting result of this ruling is that we also do not wave the Arba Minim on Shmini Atzeres.[16] The reason being that if Shmini Atzeres truly was a separate holiday, then waving the Arba Minim would not only be deemed unnecessary, they would be considered muktzah. Therefore, Chazal would not rule that we be required to do something that would potentially be a safek mitzvah / safek aveirah, and especially not to make a bracha on it! Tosafos[17] adds that since a Lulav would be muktzah on Shmini Atzeres since it is a separate Yom Tov, waving it would clearly demonstrate that one is treating Shmini Atzeres like Chol Hamoed, whereas, in regard to eating in a Sukka, the act is not so noticeable because many people enjoy eating in a Sukka. Therefore, although waving the Arba Minim is out of the question on Shmini Atzeres, on the other hand, eating in the Sukka would not be considered 'tarti desasri,' and thus is mandated.

This dual ruling is duly codified as halacha by the Rambam, Sefer Hachinuch, Tur Shulchan Aruch and Levush,[18] and as the Mishnah Berurah notes, followed by virtually all later Acharonim,[19] that although we do not make the bracha of "leishev baSukka", nevertheless, we are still required to eat in the Sukka on Shmini Atzeres.

#### Minhag Mysteries

Yet, something seems to be lacking in the application of this halacha. For if this the proper conclusion, why are there divergent customs? And there most definitely are divergent customs here! There are those who sleep in the Sukka on Shmini Atzeres; those who don't even step foot in the Sukka; those who only make Kiddush in the Sukka but eat the majority of their meals inside, and those who only eat in the Sukka but don't sleep there.[20] Which is correct?

#### To Sleep or Not to Sleep?

It is well known that the Vilna Gaon[21] was very makpid not only to eat but also to sleep in the Sukka

on Shmini Atzeres. The Chayei Adam relates that the Gr" a once made the whole yeshiva sleep in the Sukka on a freezing Shmini Atzeres night, just to show the rest of the city the importance of following this halacha. Several authorities[22] rule like the Gr" a, saying that one must sleep in the Sukka on Shmini Atzeres, maintaining that there should not be a halachic difference between eating and sleeping in the Sukka.

However, most authorities do not agree with this reasoning and maintain that although one must eat in the Sukka on Shmini Atzeres, nevertheless, one does not (and some say nor should not) sleep in the Sukka.[23] The Chasam Sofer famously did not sleep in the Sukka on Shmini Atzeres.[24] This is also the conclusion of the Mishnah Berurah,[25] who states that the "Minhag HaOlam" is not to sleep in the Sukka on Shmini Atzeres. However, the Kitzur Shulchan Aruch, who also acknowledges that the Minhag HaOlam is not to sleep in the Sukka, nevertheless concludes that it is still proper to do so anyway.

Surprisingly, and although not the common practice, it is known that the Gadol HaDor Rav Moshe Feinstein zt"l, was extremely makpid on sleeping in the Sukka, even when it was freezing outside and even on Shmini Atzeres. He explained that his father, Rav Dovid zt"l, was particularly vigilant with sleeping in the Sukka and in what was to be the last year of his life, caught pneumonia from doing so one freezing Shmini Atzeres, and passed away six days later. Rav Moshe related that he learned from this tragedy the lengths of Mesiras Nefesh required of himself to sleep in a Sukka, and even on Shmini Atzeres.[26]

Not to Eat ?

However, on the opposite end of the halachic spectrum, there were many great authorities who ardently defended those who follow a minhag of not even eating in the Sukka on Shmini Atzeres. These include the Baal Shem Tov, Sfas Emes, Aruch Hashulchan, Kozeglover Gaon, and the Minchas Elazar.[27] Moreover, there is record, even among the Rishonim, of certain Rabbanim and specific well-known families who ate indoors on Shmini Atzeres.[28] Rav Tzadok HaKohen of Lublin wrote an over-60 page halachic sefer titled "Meishiv Tzedek" defending the practice of not eating in the Sukka on Shmini Atzeres. Even the Chayei Adam and the Maharsham (although not ruling this way), cite minhagim to eat only partially in the Sukka, such as

simply making Kiddush in the Sukka, but having the bulk of the Seudah inside.[29]

Many of these authorities base their heter on the Korban Nesanel, who writes that since eating in the Sukka on Shmini Atzeres is only mandated due to a safek, therefore, in places where it is cold and windy, one is not required to do so.[30] Others understand that the Gemara's conclusion of "Maysiv Yasvinan, Bruchi Lo Mevorchinan" meant that one may eat in the Sukka on Shmini Atzeres without the bracha of "leisheiv baSukka", but not that one is actually obligated to. There is even a recently published manuscript of a Rishon, Rav Yehuda ben Klonimos, the Rebbi of the Rokeach, who maintains that the Gemara's conclusion was actually added in later to the Gemara and is not authoritative.[31]

Interestingly, many centuries prior, the Midrash Tanchuma, implied that one does not have to eat in the Sukka on Shmini Atzeres, but for a very different reason: "in order so that one should be able to (properly) daven for rain with a 'lev shalem.'" [32] Since Tefillas Geshem (or is it Gashem?) [33] is recited on Shmini Atzeres, if one's tefillos would be answered right away, he would be rained out of his Sukka! Additionally, the Yerushalmi as well as Targum Yonason / Yerushalmi, state that one should eat indoors on Shmini Atzeres (although it must be noted that this may not be a strong proof, as it has been argued that that is likely that these passages may simply be referring to Bnei Eretz Yisrael). [34]

Either way, different minhagim of not exclusively eating in the Sukka on Shmini Atzeres have earned staunch following, even though they run contrary to the normative halacha. [35]

IsraelIssues

This author realizes that at this point readers in Israel are probably saying that this is all very nice, but this doesn't affect them; they only keep one day, Simchas Torah! No safek yom here! But actually it just might concern them. For what is a "Chutznik" or two-day Yom Tov keeper who happens to be in Israel for Sukkos (quite commonly yeshiva bochurim) to do?

Although the famed Chacham Tzvi, and later the Shulchan Aruch Harav, ruled that even one merely visiting Eretz Yisrael over Yom Tov should keep only one day of Yom Tov like the natives, (to paraphrase: "when in Israel do as the Israelis"), [36] nevertheless, the vast majority of halachic authorities, including the author of the Shulchan Aruch himself and even the Chacham Tzvi's own son, Rav Yaakov Emden,

maintained that visitors' status is dependant on whether or not their intention is to stay and live in Eretz Yisrael, known as 'im da'atam lachzor'. [37] This dictum is based on Gemara Pesachim (51a-b) regarding Rabba Bar Bar Chana, Rav Ashi, and Rav Safra. As elucidated by Rav Yosef Karo zt"l, author of the Shulchan Aruch, in his responsa (Shu"t Avkas Rochel 26), anyone who has Da'as Lachzor, intention to return, maintains his original status as if he were still in the place from 'whence he came'. [38]

Practically, this means that if one is planning on living in Eretz Yisrael he would keep only one day of Yom Tov. Correspondingly, if planning on returning to Chutz La'aretz, one must still observe a two day Yom Tov, even while currently staying in Eretz Yisrael. [39] Back to our bochurim, since these striving students are generally only based in Eretz Yisrael temporarily, according to the majority halachic consensus they must still keep the second day of Yom Tov in Israel as well. However, this leads us to another issue; one not mentioned in halachic literature until modern times: Must these visitors, who are keeping 'Yom Tov Sheini' in Eretz Yisrael still sit in a Sukka on Shmini Atzeres, or may they do as the Romans...err, Israelis do?

Remarkably, contemporary halachic decisors are divided as to the proper halacha, with no clear cut ruling. Rav Yechezkel Michel Tukachinsky, Rav Shlomo Zalman Auerbach, the Minchas Yitzchak, the Shemiras Shabbos K'hilchasa, and Netei Gavriel [40] rule that a "Chutznik" should not eat in a Sukka in Israel on Shmini Atzeres. They explain that one should not be stringent on a safek yom that does not apply where they currently are, especially as the whole rule of keeping two days in Eretz Yisrael is a matter of dispute. Additionally, sitting in a Sukka publicly when the locals do not, might be of halachic concern.

On the other hand, other contemporary authorities, including Rav Moshe Feinstein, Rav Yosef Shalom Elyashiv, Rav Chaim Pinchas Scheinberg, Rav Shmuel Halevi Wosner, and the Debreciner Rav, [41] rule that someone who always keeps 'Yom Tov Sheini' must continue to keep it to its full extent - even in Eretz Yisrael. This includes sitting in the Sukka on Shmini Atzeres, even though the locals do not.

A third opinion, a middle ground approach, is that of Rav Ben Tzion Abba Shaul, the Betzeil Hachochma, and Rav Ovadia Yosef. [42] They agree that a

Chutznik should preferably eat in a Sukka on Shmini Atzeres in Eretz Yisrael. However, these authorities make an exception for a 'visitor' who is dependant on locals for his meals, as they aver that a guest is not obligated to cause undo hardship for his hosts. Following this ruling would mean that an American bochur eating with Yerushalmi relatives who are having their Yom Tov seudah inside, may indeed eat with them in their home, and is not obligated to trek out to find a Sukka. As with any other halachic question, one should ask his own Rabbinic authority which opinion he should personally follow.

An interesting and important outcome of this three way Israeli machlokes is that it sheds some light on how many contemporary halachic decisors ruled regarding several other issues mentioned previously in this article. For, although they disagree on what an American bochur should do while in Eretz Yisrael for Shmini Atzeres, nevertheless, their disparate positions clearly show that all of the aforementioned contemporary authorities agree that in Chutz La'aretz one must eat in the Sukka on Shmini Atzeres, and that visitors to Eretz Yisrael are dependant on whether da'atam lachzor or not, and if one meets that requirement he must keep 'Yom Tov Sheini' there.

In Parashas Re'eh, Moshe Rabbeinu tells us that "Banim Attem La'Hashem Elokeichem," [43] Hashem considers us His children. Which Yom Tov can personally lay claim to exemplify this notion more than Shmini Atzeres, a day that Hashem kivyachol personally requests to stay with us? Whatever one's minhag is on this 'extra' day, we should all merit feeling the embrace and protection of HaKadosh Baruch Hu all Yom Tov long!

[1] Vayikra (Ch. 23:36).

[2] Rashi (ad loc. s.v. atzeres hi). This is also cited by the Sefer Hachinuch (Parashas Emor, Mitzva 323:1 s.v. kvar and 324:1 s.v. v'taam), quoting the Midrash. The Machon Yerushalayim edition of the Minchas Chinuch (ad loc. in the footnotes) identifies it as Midrash Rabba (Bamidbar Ch. 21:24), Midrash Hagadol (Shemos Ch. 29:36), and Pesikta D' Rav Kahana (30).

[3] See Rambam (Hilchos Kiddush Hachodesh Ch. 3:11 and Ch. 5:4).

[4] See Gemara (Beitzah 4b and Rosh Hashana 21a; and commentaries), Yerushalmi Rosh Hashana (Ch. 2, Halacha 1), Shu"t HaGaonim Lyck (1, which cites Rav Hai Gaon and other Gaonim explaining that this Takana actually dates to the times of Yechezkel and Daniel, and possibly even Yehoshua bin Nun, [Rav Saadiah Gaon held it was halacha l'Moshe M'Sinai!]; referenced in Shaar Hatziyun 496, 1), Rambam (Hilchos Kiddush Hachodesh Ch. 5:6), Sefer Hachinuch (Parashas Emor, Mitzva 301; and Minchas Chinuch ad loc.), Tur and Shulchan Aruch and main commentaries to Orach Chaim 496, Magen V'Tzina (pg. 7b), Kuzari Hasheini (Matteh Dan, pg. 83 and 241), Maharitz Chiyus (Darchei Horaah pg. 7-8), Tiferes Yisrael (Mishnayos Ediyos Ch. 1, Mishnah 6:35), Rav Yisrael Moshe Chazzan's 'Kedushas Yom Tov', Shu"t Yad Eliezer (131), Shu"t Shaar Asher (Orach Chaim 8), Sdei Chemed (vol. 6, Ma'areches Yom Tov 2:8), Chazon Ish (Hilchos Yom Tov, Orach Chaim 130), Rav Yechezkel Michel Tukachinsky's Ir Hakodesh V'Hamikdash (vol. 3, Chapters 18 and 19), and the forward to Rabbi Yerachmiel Dovid Fried's classic sefer Yom Tov Sheini K'Hilchaso at length. See also Meshech Chochma (Parashas Bo, Beginning of Ch. 12, s.v. uvazeh) who offers a compelling reason why 'Yom Tov Sheini' still applies nowadays - "gezeira shema yivneh Bais Hamikdash."

[5] Rashi (ad loc. s.v. d'gazri) clarifies that this is referring to calendar confusion. He explains that the government will decree against learning Torah and the 'sod habbur' (the principle of the intercalation of the New Month) will be forgotten, and if they revert to keeping one day of Yom Tov, they might establish a 'Chasar' month as a 'Malei' or vice versa, and Klal Yisrael will possibly (Chas V'Shalom) end up eating Chametz on Pesach. Although the Gemara does not specify which Amora sent this message, nor to which community in Chutz La'aretz it was sent, nevertheless, the Gemara's unique choice of phraseology "shalchu mesum", clues us in that it denotes a message sent by Rabbi Elazar ben Pedas, as explained in Gemara Sanhedrin (17b) and Rashi's commentary to Gemara Shabbos (19b s.v. R' Elazar). See Ir Hakodesh V'Hamikdash (vol. 3, Ch. 19:1). [Interestingly, the Meiri (Beis HaBechira on Sanhedrin ad loc.) has a different Girsra in the Gemara; he quotes the expression "shalchu mesum" as indicating a missive from Rabbi Yirmiyah! See also Shu"t Goren Dovid (Orach Chaim 41) who utilizes the infamous 1242 burning of 24 wagonloads of Gemaros and Kisvei Rishonim in France as a reason to explain why nowadays Yom Tov Sheini is still observed. [For more on this topic see recent article titled 'Forgotten Fast Days: Zos Chukas

HaTorah']. Unfortunately, throughout our long and bitter Galus we never know when a government might make a gezeira ra'ah and consequently all halachic literature lost. How then will we be able to properly calculate the months and years to know when are the correct days to observe? He explains that this tragedy was a fulfillment of the Gemara's warning to keep Yom Tov Sheini, "Hizharu B'Minhag Avoseichem B'Yadeichem".

[6] Yerushalmi (Eruvin Ch. 3, end Halacha 9; see also Korban HaEida ad loc.).

[7] Interestingly, there are several contemporary authorities who were of the opinion that in places in Eretz Yisrael where the messengers did not or possibly did not reach, Yom Tov Sheini must still be observed. This debate seems to be based on several enigmatic passages in the Rambam (see Hilchos Kiddush HaChodesh Ch. 5:5, 6, 9, 10, 11, and 12), whether he was referring exclusively to Chutz La'aretz or even in Eretz Yisrael as depending on the messengers. See Shu"t Maharit Tzahalon (216; cited in Birkei Yosef, Orach Chaim 496), Shu"t She'elot Yaavetz (vol. 1:168), Minchas Chinuch (Parashas Emor, Mitzva 301, 1 s.v. v'hinei shittas v'ode), Shu"t Tzafnas Pane'ach (vol. 1:51; pg. 117), Chazon Ish (Orach Chaim 132:1-3), and Orchos Rabbeinu (vol. 2, pg. 113-115). It is well known that the Brisker Rav was stringent for this opinion and kept Yom Tov Sheini - in Yerushalayim! [However, Rav Shlomo Zalman Auerbach (cited in Yom Tov Sheini K'Hilchaso pg. 488-489) and Rav Moshe Sternbuch (Shu"t Moadim U'Zmanim vol. 8, Hosafos to vol. 3:221) questioned this stringency, as even if the halacha was dependant on messengers, certainly they would have reached all corners of Yerushalayim!] However, the halacha psakim follows the opinion of the Ritva (Rosh Hashana 18a s.v. v'al and Sukka 43a s.v. d'parich) and Sefer HaChinuch (Parashas Emor, Mitzva 301) and most other Rishonim [including possibly even the Rambam - as there are differing opinions as to his true intent]. See Shu"t Avnei Nezer (Orach Chaim 392:9), Ir Hakodesh V'Hamikdash (vol. 3, Ch. 19; at length), Chazon Ish (Orach Chaim 132, end 2), Shu"t Tzitz Eliezer (vol. 1:41 and 42), Shu"t Tzitz Eliezer (vol. 3:23), Mikraei Kodosh (Pesach vol. 2:57 and 58), Shu"t Yaskil Avdi (vol. 6:2), and Yom Tov Sheini K'Hilchaso (Ch. 18 and in footnotes - at length - also citing the psakim of Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Elyashiv). For more on this fascinating topic see Yom Tov Sheini K'Hilchaso (Mituim 4), who delves into this inyan at great length.

[8] Chazal established a Yom Tov Sheini for Shavuos, in order not to make a distinction between the Yomim Tovim, even though the messengers of Tishrei and Nissan would certainly have reached even far flung places by then. See Rambam (Hilchos Kiddush Hachodesh Ch. 3:12), Shu"t Chasam Sofer (Orach Chaim 146 and Yoreh Deah 252), Shu"t Sho'el U'Meishiv (Mahadura Tinyana vol. 2:85 s.v. v'hinei l'fan'd) and Shu"t Machazeh Avraham (Orach Chaim 121). See also Chiddushei Maran Ri"z HaLevi al HaTorah (Parashas Emor); according to the Brisker Rav, the exact date of Shavuos is always already set from the beginning of Nisan, as the psakim states regarding Shavuos (Parashas Emor Ch. 23:21) that it is observed "b'eizem hayom hazeh".

[9] See Rava's statement (Beitzah 5a) regarding the aftermath of Rav Yochanon ben Zakkai's Takana that testimony of the New Moon was accepted all day, that when Eidim would come later in the day, "min haMincha u'lemaaleh", the Sanhedrin would establish both days as Yom Tov. The Rif (Beitzah 3a in his pagination) derives from this that even Bnei Eretz Yisrael are mandated to observe Rosh Hashana as a two day Yom Tov. However, Rabbeinu Efraim (cited by the Ran ad loc. s.v. v'kasav) and the Baal Hamaor (Meor Hakattan ad loc. 2b s.v. v'haRif) strongly disagreed, discounting this logic, and maintaining that Rosh Hashana should be (and always was) observed as one day in Eretz Yisrael. Yet, the Rambam (Milchemos Hashem ad loc. 2b s.v. v'harav) and Rosh (Beitzah Ch. 1:4) ardently defend the Rif's conclusion, and maintain that even in Eretz Yisrael Rosh Hashana need be observed as a two day Yom Tov. This is also the conclusion of the Rashba (Beitzah 5b; albeit for different reasons than the Rif), Rambam (Hilchos Kiddush Hachodesh Ch. 5:12 and Hilchos Yom Tov Ch. 1:1 and 24) and Sefer Hachinuch (Parashas Emor, Mitzva 301, end 2). See also Rashi (Beitzah 5a s.v. m'takanas and ha) and Tosafos (ad loc. s.v. ha). Interestingly, this actually was not simply a theoretical debate, but rather was practical - as this sheilah - sent from Eretz Yisrael - was originally addressed to Rav Hai Gaon about their custom (in his time) of keeping only one day of Rosh Hashana in Eretz Yisrael. Rav Hai Gaon's response (Shu"t HaGaonim Lyck 1; and later seconded by the Rif, et al. ibid.) was that their 'minhag' was a mistake, as the Takana of keeping two days of Rosh Hashana in Eretz Yisrael actually dated to the times of Yechezkel and Daniel, and possibly even Yehoshua bin Nun, and was not simply due to safek yom. See next footnote. It is unclear how large this community was and for how long this minhag was kept, but it seems that certainly by the Rambam's time, Bnei Eretz Yisrael were all keeping two days Rosh Hashana. Thanks are due to Michael Volpo for pointing this out.

[10] This majority opinion of the Rishonim (see previous footnote) is codified as halacha in Shulchan Aruch (Orach Chaim 601:2), since even during the times of the Beis Hamikdash, Rosh Hashana was sometimes observed as a two day Yom Tov [see Beis Yosef (ad loc. s.v. v'kasav), Magen Avraham (ad loc. 1), Chayei Adam (vol. 2, 139:14), Mathe Efraim (601:12), Aruch Hashulchan (Orach Chaim 600:1 and 2), and Mishnah Berurah (601:3)]. In fact, the two day Yom Tov of Rosh Hashana is mentioned in the Mishnah (Menachos Ch. 11:9) and was known to have already been observed in the times of Ezra HaSofer (see Nechemia Ch. 8:13, and commentaries ad loc.). The Yerushalmi (end of the first Perek of Eruvin) effectively dates this Takana back to the times of the Neviim Rishonim! There are practical Halachic differences between a standard 'Yom Tov Sheini' and the second day of Rosh Hashana, though. Since Rosh Hashana was established by Takana, and not due to safek yom (see next footnote), the second day shares first day Yom Tov status (referred to as 'kedusha achas hein' or 'yoma arichta') and generally does not share the Yom Tov Sheini dispensations listed in Orach Chaim 496. See Rambam (Hilchos Yom Tov Ch. 1:24), Tur (Orach Chaim 503:1 and 600:1), Shulchan Aruch (Orach Chaim 513:5 and 515:1), Chayei Adam (vol. 2, 139:14), Kitzur Shulchan Aruch (99:2, in the parenthesis), Aruch Hashulchan (Orach Chaim 600; at length), and Kaf Hachaim (Orach Chaim 503:10 and 600:1). For more on the status and parameters of Rosh Hashana as a two day Yom Tov see Minchas Chinuch (Parashas Emor, Mitzva 301:5 s.v. chutz), Shu"t Sho'el U'Meishiv (Mahadura Tinyana vol. 2:85), Chazon Ish (Orach Chaim 130 and 131), Shalom Yehuda (vol. 1, Moed, 1), Ir Hakodesh V'Hamikdash (vol. 3, Ch. 18), Kaf Hachaim (Orach Chaim 601:5; who cites several Kabbalistic reasons) and Yom Tov Sheini K'Hilchaso (Mituim 6).

[11] See Rabbi Yechiel Michel Tukachinsky's Ir Hakodesh V'Hamikdash (vol. 3, Chapter 18:5; pg. 236-238) who deals with this issue at length. Although certainly in the city of Yerushalayim it would have been known when the Sanhedrin would have established the New Month and Year, he concludes that the two day Yom Tov regarding Rosh Hashana that applies universally was not due to the safek yom, but rather was an actual Takanas Sanhedrin from when the Bais Hamikdash was still standing [see also Rambam (Hilchos Kiddush Hachodesh Ch. 5:12 and Hilchos Yom Tov Ch. 1:24) and Sefer Hachinuch (Parashas Emor, Mitzva 301: end 2); as mentioned previously, the Yerushalmi (end of the first Perek of Eruvin) dates this Takana to the times of the Neviim Rishonim], and is therefore as binding as if it was given at Har Sinai, and even in Yerushalayim.

[12] Although the Tur (Orach Chaim 624) states that 'Chassidim and Anshei Maaseh' would keep two days of Yom Kippur, nevertheless, the halachic consensus is that it is preferable not to; one of the main reasons being the sakana involved (based on the Yerushalmi in Maseches Challah Ch. 1). These psakim include the Ohr Zarua (vol. 2:281), Bais Yosef (Orach Chaim 624), Rema (ad loc. 5), Bach (ad loc.), Magen Avraham (ad loc. end 7), Buir HaGr"v (ad loc. s.v. v'ain linhog), Chasam Sofer (Hagahos ad loc.), Chayei Adam (vol. 2, 145:43), Mathe Efraim (625:10), Hisorerus Teshuva (Shu"t vol. 1:190), Aruch Hashulchan (Orach Chaim 624:5), and Mishnah Berurah (ad loc. 17). They explain that nowadays the calendar is set and there really is no more safek yom, yet the reason we are still stringent with 'Yom Tov Sheini' is due to Minhag Avoseim and the Takana involved. However, there never was a Takana or minhag regarding keeping a two day Yom Kippur due to the potential Sakana. Therefore there would be no reason to keep a two day fast. The most famous contemporary example of keeping Yom Kippur for two days was during World War II, when the Mir Yeshiva, thanks to the efforts of Japanese diplomat Chiune Sugihara, managed to escape the Nazis by fleeing eastward and were 'shanghaied' in Kobe, Japan (and later in Shanghai itself). This was due to the safek yom from the International Date Line, and not the standard safek yom referred to in this article. However, before one decides to take on such an undertaking without any other mitigating circumstance, he should realize that he would halachically be beholden to keep a two day Yom Kippur for the rest of his life.

[13] The Abudraham (Seder Tefillas Purim U'Pirusheha), quoting the Mishmeres Hamoados, cites three reasons why Purim is not observed as a two-day Yom Tov: 1) Purim is a Rabbinic holiday and the same Rabbanim who established it were the same ones who established our calendar and Purim as a one day

holiday. 2) Megillas Esther, when describing the holiday (Ch. 9:27) states 'v'lo ya'avov', meaning whomever celebrates it on one day cannot do so on another day [The three day 'Purim Meshulash' that is celebrated in Yerushalayim when Shushan Purim falls out on Shabbos is not an actual three day Yom Tov. Each separate day has unique observances of Purim. Friday's is the Megillah reading and Matanos L'evyonim. Shabbos has Al HaNissim and the special Purim Mafrit, and Sunday has Mishloach Manos and the Purim Seudah]. 3) Whichever day one would have read the Megillah on he would already have fulfilled his obligation. Several of these reasons are echoed by the Taz (Orach Chaim 688:4), quoting the Mordechai and Rashal, and the Minchas Chinuch (Parashas Emor, Mitzva 301:6). See also Shu"t Dovev Meisharim (vol. 1:15).

[14] The Abudraham (Seder Tefillas Chanuka), quoting the Baal Ha'itim, explains that the reason why Chanuka is not celebrated as a nine day holiday is that Chanuka is a Rabbinic holiday and the same Rabbanim who established it were the same ones who established our calendar and Chanuka as a eight day holiday. See also Ateres Zekainim (Orach Chaim 670 s.v. b'ch'h b'Kislev) who cites a different reason from the Mahar"v a Mizrahi, and Minchas Chinuch (Parashas Emor, Mitzva 301:6). He maintains that when the Beis Hamikdash will be rebuilt and Klal Yisrael reverts back to Kiddush Hachodesh via witnesses, it is possible that there might be a 9 day Chanuka in outlying areas.

[15] Rosh (Sukka Ch. 4: end 5).

[16] Another remarkable outcome based on this 'tarti desari' is that the vast majority of halachic decisors disagree with the Taz's lenient opinion (Orach Chaim 668:1 s.v. eilu divrei), and rule that one may not be mekabel Yom Tov early on Shmini Atzeres (unless in extremely extenuating circumstances). The reason is that even if one would be mekabel Shmini Atzeres early, it would still technically be the seventh day of Sukkos and any seudah would be required to be held in the Sukka - with a bracha of 'leishev baSukka,' which would be a potential bracha levatalah if it were truly no longer Sukkos. These psakim include the Rashal (Shu"t 68; who rules like Rav Tevil), Bach (Orach Chaim 668:1), Levush (Orach Chaim 668:1), Magen Avraham (ad loc. 3), Elyah Rabba (ad loc. 3), Mathe Moshe (970), Pri Megadim (Orach Chaim 668, Eishel Avraham 3), Chida (Birkei Yosef ad loc. 5), Chayei Adam (vol. 2, 153:5), Chemed Moshe (cited in Shaar Hatziyun ad loc. 11), Nahar Shalom (Orach Chaim 668:1), Noda B'Yehuda (Dagul Mervava ad loc. s.v. b'Taz), Rav Yaakov Emden (Mor U'Ketziach ad loc. s.v. v'ani), Bigdei Yosef (cited in Shaar Hatziyun ad loc. 11), Minchas Chinuch (Parashas Emor, Mitzva 323:2), Aruch Hashulchan (ad loc. 4), Ben Ish Chai (Year 1, Parashas V'zos Habrachta 13), Mishnah Berurah (Orach Chaim 668:7 and Shaar Hatziyun 11 and 12), and Kaf Hachaim (ad loc. 10). However, many later authorities tried to find makom l'smoach on the Taz's shittah, perhaps as a tziur, etc. See Shu"t Shoel U'Meishiv (Mahadura Tinyana vol. 2:9), Shu"t Hisorerus Teshuva (vol. 1:97), Shu"t Chesed L'Avraham (vol. 2, Orach Chaim 70), Shu"t Yefe'i Nof (Orach Chaim 121), Shu"t Yismach Lev (Orach Chaim 15), Shu"t Mishnah Sachiv (vol. 2, 181:5), Shu"t Binyan Olam (Orach Chaim, 7, s.v. v'yesh), Shu"t Ba'er Sarim (vol. 4:38), Shu"t Arugos Habosem (Orach Chaim 189), Shu"t Divrei Yatziv (Orach Chaim vol. 2, 226:6-7), and Rav Leib Malin's Ohr Simcha (Ch. 15, page 27; he answers the apparent contradiction in the Taz's shitta to that of him requiring 'Temimus' by Shavuos in Orach Chaim beg. 494 s.v. me'acharin). For more on the distinction between Shavuos and other Yomim Tovim and Shabbos, see Rav Betzalel Zoly's Shu"t Mishnas Yaavetz (vol. 1, Orach Chaim 29, Kiddush B'Leil Chag Shavuos; he concludes that there is no din of Tosefes Yom Tov on Shavuos).

[17] Tosafos (Sukka 47a s.v. mayshiv).

[18] Rambam (Hilchos Sukka Ch. 7:13), Sefer Hachinuch (Parashas Emor, Mitzvah 323:1), Tur, Shulchan Aruch, and Levush (Orach Chaim 668:1).

[19] Shaar Hatziyun (ad loc. 3), citing the Magen Avraham (ad loc. 2), Yaavetz (Siddur, Dinei Shmini Atzeres), Derech Hachaim (Dinei Sukka B'Shmini 2), Chayei Adam (ibid.), and Bikurei Yaakov (ad loc. 5), among others, as well as "shaarei Acharonim." The same is ruled by the Vilna Gaon (Maaseh Rav 222), Mathe Efraim (625:31), Kitzur Shulchan Aruch (138:4), Ben Ish Chai (Year 1, Parashas V'zos Habrachta 13), Aruch Hashulchan (ad loc. 2; although he later gives a limud zechus for those who do not), and Kaf Hachaim (ad loc. 8), that one must eat all of his meals in the Sukka on Shmini Atzeres. In a similar vein, the Chida (Birkei Yosef ad loc. 4; cited by the Shaarei Teshuva ad loc. 3) maintains that even Bnei Eretz Yisrael who are merely visiting Chutz La'aretz over Sukkos must nevertheless eat in the Sukka with their hosts (but not sleep), "shelo leatzei B'Yom Tov Sheini", all the while telling themselves "she'ein osim meshum mitzvah," and secretly eat something out of the Sukka as well (to prove it is no longer actually Sukkos for him).

[20] See Tur (Orach Chaim 668; referring to such minhagim of eating partially in the Sukka as "v'aino minhag"), Beis Yosef (ad loc.); who interestingly defends not eating in the Sukka at night as there may be a potential 'tarti d'sarsi' if one makes a Shehechiyanu as part of Kiddush on Shmini Atzeres while sitting in the Sukka; albeit it is noteworthy that he does not make such allowance in his final ruling on the subject in his Shulchan Aruch ad loc., Magen Avraham (ad loc. 2), Ba'er Heitiv (ad loc. 3), Shaarei Teshuva (ad loc. 3), Chayei Adam (vol. 2, 153:5), Mishnah Berurah (ad loc. 6 and Shaar Hatziyun 4-8), and Kaf Hachaim (ad loc. 5) who cite these various minhagim.

[21] Maaseh Rav (222), Chayei Adam (vol. 2, 153:5), Shaar Hatziyun (668:4). This is also the mashmas of the Beis Yosef (ad loc. s.v. v'ochlin), although strangely absent in his later authoritative Shulchan Aruch, that psakim do not make a distinction between eating and sleeping in the Sukka on Shmini Atzeres.

[22] Including the Bikurei Yaakov (Orach Chaim 668:4), citing proof from the Rashba (Rosh Hashana 15a) and also mentioning that Rav Nossan Adler did so as well, the Elyah Rabba (ad loc. 4), citing the Agudah (Sukka 43), the Divrei Malkiel (Shu"t vol. 1:32), Ben Ish Chai (Year 1, Parashas V'zos Habrachta 13), and Kaf Hachaim (Orach Chaim 668:5), who cites precedence from the Ritva (Rosh Hashana 31) and others, all of whom rule that one must also sleep in the Sukka on Shmini Atzeres.

[23] This is opinion of the Ravayah (562; cited by the Mordechai in his glosses to Sukka 772) which is defended by the Rema (Darchei Moshe, Orach Chaim 663:3) and Levush (ad loc.) from the Beis Yosef's challenge. The Maharil (Seder HaTefillos Chag HaSukkos 13) held this way, as did many later Acharonim, including the Noda B'Yehuda (Shu"t Mahadura Kama Orach Chaim 40), Shoel U'Meishiv (Shu"t Mahadura Rivi'ei vol. 1:20), Derech Hachaim (Dinei Sukka B'Shmini 2), Ksav Sofer (Shu"t Orach Chaim 120), Divrei Yisrael (Shu"t vol. 1:200), and Rav Shlomo Kluger (Hagahos Chochmas Shlomo to Orach Chaim 668), who prove that the Ravayah is correct, and one does not sleep in a Sukka on Shmini Atzeres. The Minchas Ani (Shu"t 25:1), although ruling that one should treat being in the Sukka on Shmini Atzeres the same as the rest of Sukkos, nevertheless was upset at those who held that one should be more stringent regarding the Sukka on Shmini Atzeres, as eating in the Sukka on Shmini Atzeres is a derabbanan m'taam safek, as opposed to the rest of Sukkos.

[24] Shu"t Ksav Sofer (Orach Chaim 120 s.v. vchein ra'isi). See also Shu"t Hisorerus Teshuva (vol. 1:18 and vol. 2:25) who defends this shitta of his grandfather, the Chasam Sofer.

[25] Mishnah Berurah (668:8). However, the Kitzur Shulchan Aruch (138:5) who also acknowledges that the Minhag HaOlam is not to sleep in the Sukka, nonetheless still concludes that it is proper to do so anyway.

[26] This shitta of Rav Moshe's is cited in sefer Shmaatsah D'Moshe (Shmuos Moshe, Hilchos Lulav 640:2 & footnote 18 and 668:1 and footnote 9).

[27] Baal Shem Tov al HaTorah (Sukkos 2), Kitzur Shulchan Aruch Beis Achiyah L'Baal Shem Tov (pg. 50), Sfas Emes (Sukka 47a s.v. mayshiv; cited in Piskei Teshuvos vol. 6, pg. 455, footnote 3), Aruch Hashulchan (Orach Chaim 668:2-5; who is melamed zechus for those who do not eat nor sleep in the Sukka, and explains that a hekker is needed between our actions in the Sukka during Sukkos and those on Shmini Atzeres in colder climates, otherwise it appears that one is doing so exclusively for mitzvah, which would be problematic on Shmini Atzeres), Shu"t Eretz Tzvi (vol. 1:98), and Shu"t Minchas Elazar (vol. 4:31). The Minchas Elazar adds an additional reason to be lenient, based on Tosafos' comments about waving the Lulav (see footnote 17). He equates eating in the Sukka on Shmini Atzeres in a colder climate with waving the Lulav on Shmini Atzeres, maintaining that neither should be done because it is apparent that one is doing it exclusively for the mitzvah and will look like a 'tarti desari'. Others who defend this minhag, at least partially, include the Yosef Ometz (Minhag Frankfurt, 1058; while writing that one must eat in the Sukka on Shmini Atzeres and anyone who only eats partially in the Sukka "lo shapir avdu", nonetheless mentions that the Taryosh (or perhaps Troyes) family have a long-standing minhag not to eat in the Sukka on Shmini Atzeres, "v'yesh lahem al mah lismoch"), Elef Hamagen (on the Mathe Efraim; Orach Chaim 625:42; who cites many Gedolim who were lenient, although he ultimately concludes that nevertheless one should still eat in the Sukka), Katzev Hamateh (on the Mathe Efraim ad loc. 60), Shu"t Chedvas Yaakov (Tinyana 127),

Shu"t Bais Yisrael (Orach Chaim 107), Shu"t Chok Moshe (27), Rosh Yosef (Ishkapa; 665), Rav Yitzchak Isaac Yechiel of Kamarna (in his Heichal Bracha al HaTorah commentary to Parashas Emor, Vayikra Ch. 23:36, as well as Otzar Hachaim, Mitzva 326 and 456; cited in the beginning of sefer Heichal Kamarna on Sukkos; he adds that the Gemara's rule of Maysiv Yasvinan on Shmini Atzeres only applied in Bavel where it was pleasant to sit in the Sukka this time of year), Taamei HaMinhagim (822, pg. 358), Shu"t Maharshag (vol. 1:35), Shu"t Divrei Yaakov (77), Shu"t Toras Yekusiel (Tinyana 98), Lekutei Maharichach (vol. 3, pg. 106b, Seder Shmini Atzeres), Minhagei Kamarna (Sukkos 513 and footnote ad loc.), and She'arim Metzuyanim B'Halacha (138:3).

[28] See Rashi's Sefer HaPardes (pg. 240, inyan Sukka s.v. Rabbeinu Shlomo), citing several Gedolim who ate indoors based on the Yerushalmi (ibid.; however, see footnote 34), and the Maharil's Sefer HaMinhagim (Hilchos Lulav 6 s.v. amar lanu), citing the Mahari Segal recounting his visiting the Maharam Igro on Shmini Atzeres, who ate indoors as he was a member of the Lombardia family who had a minhag to do so. However, it is important to note that both Rashi (ibid.) and the Maharil (ad loc. Hilchos Sukkos s.v. b'leil Shmini) ruled and were particular to eat only in the Sukka on Shmini Atzeres.

[29] Although they do not rule this way, the Chayei Adam (vol. 2, 153:5), Aruch Hashulchan (Orach Chaim 668:3), and Maharsham (Daas Torah, Orach Chaim 668 s.v. chutz) cite minhagim to eat only partially in the Sukka. See also Shu"t Kiryas Chana Dovid (vol. 1, Orach Chaim 81), who writes that the inyan of Sukka on Shmini Atzeres is not a chiyuv but rather chavivus hamitva.

[30] Korban Nesanel in his glosses to the Rosh (Sukka Ch. 4:7). An additional potential rationale (perhaps more of a limud zechus) for the widespread custom of eating indoors on Shmini Atzeres, is that many would flock to their Rebbe on Shmini Atzeres in accordance with the Talmudic dictum "Chayav adam lehakbil pnei rabbo b'regel" (Rosh Hashana 16b), and in the Sukka there was not enough room to contain the crowds. Due to overcrowding, people were mitza'er and hence, pattur from needing to remain in the Sukka, and the gatherings eventually moved indoors. Once such a "minhag" was established, it was not long before people simply moved indoors for their seudos on Shmini Atzeres. See Shu"t Maharshag (ibid.), Moadim U'Zmanim (vol. 1:92), and Nefesh HaRav (pg. 220-221 s.v. inyan Sukka B'Shmini Atzeres). This understanding is a fulfillment of the Magen Avraham's assessment (Orach Chaim 668:2), that "yeish k'tzas anashim hanohagim kach lefi shera'u kach mei'avoseihem."

[31] Yechusei Tanna'im V'Amoraim (Mossad Rav Kook expanded edition; pg. 328-330).

[32] Midrash Tanchuma (Parashas Pinchas, 15). The Hagahos on Rav Yitzchak Isaac Tirna (Tiyana)'s Sefer Minhagim (Hilchos Shmini Atzeres 5) cites this as a potential reason why some would only partially eat in the Sukka on Shmini Atzeres, but in the following footnote, he nonetheless rules that on must eat all meals in the Sukka, even Seudas Shlishis if it fell on Shabbos, a psak later echoed by the Bach (Orach Chaim 668:1) and Magen Avraham (ad loc. 2).

[33] For an extensive article on whether it is proper to say 'Ge shem' or 'Ga shem,' and what the disparate customs are dependant on, see recent article titled 'Gesheim or Gashem?!'

[34] Yerushalmi Sukka (Ch. 4, Halacha 5), Pnei Moshe (ad loc. s.v. tzorech), and Targum Yonason / Yerushalmi (Parashas Pinchas, Bamidbar Ch. 29:35). On the other hand, these may not be such compelling proofs, as the Yerushalmi was written in Eretz Yisrael, as well as where Rav Yonason ben Uziel lived, and in Eretz Yisrael there was no safek yom, just Acharon shel Chag (Simchas Torah). Indeed, the Elyah Rabba (668:2), citing the Amarcol, refers to those who eat indoors on Shmini Atzeres due to the Yerushalmi as exemplifying the pasuk in Koheles (Ch. 2:14) "ksil b'choshech holech," as the Yerushalmi was not coming to argue on the Bavli's psak, but rather was merely referring to Bnei Eretz Yisrael.

[35] See Netei Gavriel (Hilchos Arba Minim, Chelek HaShu"t 4, pg. 339-344) for an interesting historical 'scorecard' of sorts, listing which Gedolim and Admorim ate in the Sukka on Shmini Atzeres and which did not.

[36] Shu"t Chacham Tzvi (167) and Shulchan Aruch Harav (Orach Chaim 496:11; although he also cites that 'yesh cholkim', nonetheless, this first opinion is ikar - see also vol. 1, Mahadura Tinyana 68). This shittah is also defended by the Aderes (Sefer Shevach Ha'aretz, 35) and Shoel U'Meishiv (Shu"t Mahadura Telitai vol. 2:28), and heavily implied by the Avnei Nezer (Shu"t Orach Chaim 242:27 and 335:39; Hashmatos to Hilchos Yom Tov, 48-end; he maintains that 'da'atam lachzor' should not apply even for visitors from Eretz Yisrael who are staying in Chutz La'aretz over Yom Tov). This shittah has also found support in certain Rishonim, including Rabbeinu Chananel's understanding of Rav Safran's opinion (Pesachim 51b-52a), and the Ra'avan (Pesachim 162:2; see Even Shlomo's commentary 37). Although, as shown later on, most contemporary authorities do not rule this way, nonetheless, many Chabad chassidim generally follow the shittah of their Alter Rebbe, the Shulchan Aruch Harav, and only keep one day in Eretz Yisrael, no matter how long they intend on staying. [However, there are those who cite different minhagim as prevalent in Chabad psak for this inyan. See, for example, Rav Levi Yitzchak Raskin's extensive Kuntress Yom Tov Sheini, printed in his sefer Nesivim B'sdei HaShlichus vol. 1. Thanks are due to R' Nochum Shmaryahu Zajac for pointing this out.] Rav Yechiel Michel Tukachinsky (Ir Hakodesh V'Hamikdash vol. 3, Ch. 19:8 and 11) reports that his grandfather-in-law, the Av Beis Din of Yerushalayim for the latter part of the nineteenth century, Rav Shmuel Salant, was neteh to this shittah as well. However, since he did not want to argue on his Rebbeim, including the Pe'as Hashulchan (see next footnote), who mandated visitors keeping Yom Tov Sheini, Rav Salant ruled that a Ben Chutz La'aretz should keep Yom Tov Sheini lechumrah, a shittah nowadays commonly referred to as 'A Day and a Half'. This refers to being makpid on not doing any Melachah De'arayasa on the second day, but also not doing the unique Yom Tov Mitzvos, i.e. making Kiddush etc. Rav Avraham Yitzchak HaKohen Kook (Shu"t Orach Mishpat, Orach Chaim 125; thanks are due to Dr. Moshe Simon-Shoshan for pointing out this important source) and Rav Yosef Dov (JB) Soloveitchik (as cited in Nefesh Harav pg. 84) were also known to be proponents of this shittah, reporting that this was also the preferred shittah of the Rav's grandfather, Rav Chaim Soloveitchik of Brisk. [However, in this author's opinion, the misnomer for this shittah, 'A Day and a Half' is somewhat troublesome. Anecdotally, years ago,

I met an older relative here in Eretz Yisrael on Yom Tov Sheini and noticed that she was performing Melachah. When I asked her about it, she innocently replied that her Rabbi told her to keep 'A Day and a Half'... and it was already after noon...] For more on Rav Shmuel Salant's shittah, see the annual Tukachinsky Luach Eretz Yisrael (Chol Hamaod Sukkos, footnote), Shu"t Lehoros Nosson (vol. 11:26), Toras Rabbeinu Shmuel Salant (pg. 120), and Aderes Shmuel (Piskei Rav Shmuel Salant z"l; Hilchos Yom Tov 129, and in footnotes at length, pg. 131-135).

[37] Although there are those who want to prove that the Shulchan Aruch meant to rule that a visitor to Eretz Yisrael should only keep one day, as in the Shulchan Aruch (Orach Chaim 496) he only mentions visitors from Eretz Yisrael in Chutz La'aretz, who need to keep a two-day Yom Tov like the locals [see, for example, Ir Hakodesh V'Hamikdash vol. 3, Ch. 19:11, in the parenthesis, as an additional sevara of Rav Shmuel Salant's 'libo amar lo efshar'...], nevertheless, he personally put that notion to rest in his Shu"t Avkas Rochel (26), where Rav Karo explicitly ruled that the Yom Tov observance of visitors to Eretz Yisrael is dependant on whether they are planning on staying or not. [Indeed, in Ir Hakodesh V'Hamikdash Ch. 19:8, Rav Tukachinsky himself strongly disavows the aforementioned notion.] Other poskim who rule this way include the Rav Yaakov Emden (Shu"t Sheilas Ya'avetz vol. 1:168), the Pe'as Hashulchan (Hilchos Eretz Yisrael 2,15:21), the Chida (Shu"t Chaim Sha'al vol. 1:55, and Birkei Yosef, Orach Chaim 496:7), Mahar"i Chagiz (Shu"t Halachos Ketanos vol. 1:4; however, his son argues quite extensively, including psakim from his grandfather, Rav Moshe Galanti, and 'Rabbanei Tzfas', that Bocharim should certainly only keep one day), the Pri Ha'adamah (vol. 3, pg. 17b, and in Mizbach Adamah, Orach Chaim 468:4 s.v. ul'inyan; citing 'kol Rabbanei Yerushalayim' regarding a Bochar who plans on returning to Chutz La'aretz), Shaarei Teshuvah (Orach Chaim 496:3, in the parenthesis, and end 5; he makes a sikum of the shittos), Chayei Adam (vol. 2, 103:4), Aruch Hashulchan (Orach Chaim 496:2), Mishnah Berurah (ad loc. 13), Kaf Hachaim (ad loc. 38), and Rav Yechiel Michel Tukachinsky (Ir Hakodesh V'Hamikdash vol. 3, Ch. 19:8 and 11, and in his annual Luach Eretz Yisrael ibid.; although he does seem to give equal credence to his grandfather-in-law, Rav Shmuel Salant's 'Day and a Half' psak). The vast majority of contemporary poskim rule this way as well. See Shu"t Igros Moshe (Orach Chaim vol. 3: 73 and 74 and vol. 4: 101), Orchos Rabbeinu (new print - 5775 edition, vol. 2, Ch. 'Yom Tov Sheini'; citing the Chazon Ish and Steipler Gaon), Shu"t Seridei Aish (new edition; vol. 1, Orach Chaim 51:1), Shu"t Minchas Yitzchak (vol. 4:1-4), Yom Tov Sheini Kehilchaso (pg. 108, footnote 5; citing many Rabbanim including the Tchebener Rav, Rav Shlomo Zalman Auerbach, Rav Yosef Shalom Elyashiv, and Rav Chaim Pinchas Scheinberg, whose teshuvah is printed in the back of the sefer), Shu"t Shevet Halevi (vol. 5:64), Shu"t Mishnah Halachos (vol. 4:83), Shu"t Teitz Eliezer (vol. 9:30), Halichos Even Yisrael (Moadim vol. 1, pg. 287-288), Shu"t Yaskil Avdi (vol. 4, Orach Chaim 26), Shu"t B'tzeil Hachochmah (vol. 1:60), Shu"t Yabea Omer (vol. 6, Orach Chaim 40:1-3), Shu"t Ohr L'Tzion (vol. 3, Ch. 23:5), Shu"t Knei Bosesem (vol. 1:28), Chazon Ovadia (Yom Tov, pg. 133-12), and Yalkut Yosef (Moadim, pg. 460).

[38] Although many Rishonim each understand this Gemara differently, nonetheless, the Shulchan Aruch and other Acharonim, including the Radbaz (Shu"t vol. 4:73 or 1145; depending on edition), Magen Avraham (Orach Chaim 496:7), Shach (Yoreh Deah 214:8), and Pri Chodosh (Orach Chaim 466 and 468), follow the explanation of Tosafos, Rosh, and Ran (Pesachim ad loc.), that the defining factor is indeed 'im da'atam lachzor.'

[39] How the poskim define 'da'atam lachzor' is not so simple and may vary from Posek to Posek and each individual situation needs to be taken into account. This was addressed at length in an article titled 'One Day or Two? What is a Chutznik in Eretz Yisrael to Do?'

[40] Tukachinsky Luach Eretz Yisrael (Shmini Atzeres), Shu"t Minchas Shlomo (Kama vol. 1, 19:1 and Halichos Shlomo, Moadim vol. 1, Ch. 12:18), Shu"t Minchas Yitzchak (vol. 9:54), Shemiras Shabbos K'hilchasa (old print Ch. 31:40; new print Ch. 2:32 and footnote 65) and Netei Gavriel (Hilchos Arba Minim, Chelek HaShu"t 8; at length, and Hilchos Chag HaSukkos Ch. 87:14).

[41] Rav Moshe Feinstein's shitta is found in Shu"t Rivevus Efraim (vol. 3:439). Shittos of Rav Yosef Shalom Elyashiv, Rav Shmuel Halevi Wosner, and Rav Chaim Pinchas Scheinberg are cited in Yom Tov Sheini K'Hilchaso (Ch. 2, footnote 48); Shu"t Ba'er Moshe (vol. 7, pg. 315:4 - Dinei Bnei E"Y & Chu"l). However, the Ba'er Moshe held that even though a Chutznik must eat in a Sukka in Eretz Yisrael on Shmini Atzeres, he nevertheless, need not sleep in the Sukka that night. However, the Steipler Gaon is quoted (in Yom Tov Sheini K'Hilchaso Ch. 2, footnote 49) as maintaining that a Chutznik should even sleep in the Sukka on Shmini Atzeres.

[42] The shitta of Rav Ben Tzion Abba Shaul is cited in Yom Tov Sheini K'Hilchaso (Ch. 2, footnote 49); Shu"t Yechaveh Daas (vol. 2:76); Shu"t Betzeil Hachochma (vol. 5:146). However, it should be noted that both Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Elyashiv explicitly disagreed with this rationale. (See Yom Tov Sheini K'Hilchaso ibid.)

[43] Devarim (Ch. 14:1).

This article was written L'iluy Nishmas Shoshana Leah bas Yaakov Eliezer and the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga and L'zechus for Shira Yaffa bas Rochel Miriam v'chol yotzei chaltzeita for a yeshua sheleimah teikif umiyad!

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## לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה  
ביילא בת (אריה) לייב ע"ה  
חנא מלכה בת ישראל