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(dneustadt@cordetroit.com) Yoshev Rosh - Vaad HaRabanim of Detroit

Eating In The Succah On The First Night Sukkos

By **Rabbi Doniel Neustadt** | Series: Weekly Halacha | Level: Advanced

The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

You should dwell in a Succah (Emor 23:42)

Every adult male is Biblically obligated to eat a k'zayis of bread in a succah on the first night of Succos. The Talmud (1) derives this obligation from the similar obligation of eating a k'zayis of matzah on the first night of Pesach. Since these two obligations are closely related, their halachos are similar in many respects. Like all mitzvos, this mitzvah, too, can only be properly fulfilled if there is prior planning and clear knowledge of all the requirements. Let us review the pertinent halachos:

WHEN IS IT EATEN

In the late afternoon of Erev Succos, one should not fill himself with food or wine so that he will be able to eat the k'zayis of bread with a good appetite (2).

The k'zayis of bread [and the Kiddush that precedes it (3)] may not be eaten until it is definitely night (4), no earlier than 50 minutes after sundown (5). If one ate before that time, he must eat another k'zayis of bread in order to fulfill the mitzvah (6).

The k'zayis of bread may not be eaten after midnight (7). B'dieved, though, one who did not eat before midnight should do so after midnight and recite the proper blessing (8).

Preferably, one should sit down to eat the k'zayis of bread immediately after coming home from Ma'ariv. Unnecessary delays should be avoided (9).

HOW MUCH MUST BE EATEN

There are various views in the poskim about the exact measurement of a k'zayis. Since this is a Biblical obligation, it is proper to be stringent and eat at least 1.75 fl. oz. of bread, though one who eats 1 oz. of bread fulfills his obligation.

There is a view in the Rishonim (10) that holds that the minimum amount of bread one is obligated to eat in the succah on the first night is a k'beitzah, not merely a k'zayis. Although the basic halachah does not require the larger amount (11), still it is proper to satisfy that view as well (12). The amount to be eaten [to satisfy all views], therefore, is 3.5 oz. of bread (13).

The bread which is eaten [whether it is a k'zayis or a k'beitzah (14)] must be eaten within a time-span of 3 to 4 minutes (15). No talking may take place until the full amount is chewed and swallowed (16). L'chatchilah, it is proper to chew and then swallow the bread in its entirety (17).

THE BASIC PROCEDURE

One is obligated to eat the minimum amount of bread even if he does not enjoy it and even if it causes him distress (18). Even a person who is classified as a choleh sh'ein bo sakanah is obligated to eat a k'zayis of bread (19).

Before eating the bread, one must have in mind that he is about to fulfill the Biblical mitzvah of eating bread on the first night of Succos (20). If one fails to have this intent and eats the piece of bread as he normally does every Shabbos or Yom Tov, it is questionable if he has fulfilled the mitzvah (21). In any case, he should eat another portion of bread with the proper intent (22).

One does not fulfill his obligation by eating cake, etc. (23) Only bread made out of one of the five species of grain is valid.

Women are exempt from this mitzvah, but if they do eat the required amount of bread in the succah, it is considered a mitzvah and they may recite the blessing (24).

There are some who maintain that the bread should be eaten without being dipped in honey (25), etc. Most poskim are not particular about this stringency (26).

ARE WE REQUIRED TO FULFILL THIS MITZVAH WHEN IT IS RAINING?

There are many discussions in the poskim concerning the obligation to eat in the succah on the first night of Succos if it is raining. The following points are raised:

If rain is falling, is one obligated to eat in the succah or not? If it is raining, is one obligated to wait and see if the rain will stop so that he can eat in a rain-free succah? If one does eat in the succah while it is raining, can a blessing be recited? If a person ate in the succah while it was raining and then the rain stopped, is he required to eat in the succah again? If a person ate in the succah while it was raining and then went to sleep, is he obligated to get out of bed to eat again once the rain has stopped? Since there are different rulings on all of these issues, the following, then, is a summary of the majority opinion (27):

If it is raining steadily and there is a reliable weather forecast for rain all night, one should make Kiddush [with shehecheyanu] and eat a k'zayis [or a k'beitzah (28)] in the succah. No blessing over the succah is recited. The rest of the meal is eaten inside the house (29).

If there is no reliable weather forecast and there is a possibility that the rain will stop [e.g., it is drizzling or it is raining on and off], it is proper to wait an hour or two for the rain to subside (30). The poskim agree, however, that if the delay will disturb the dignity and pleasure of the Yom Tov, or if the family is hungry and/or tired, there is no obligation to wait.

If the rain stops while the meal is being eaten inside the house or even after the meal has finished, one is obligated to eat at least a beitzah (31) of bread in the succah. Even if the rain stops after midnight, a beitzah of bread must be eaten in the succah. If one has already gone to bed and then the rain stops, there is no obligation to get out of bed in order to eat in the succah (32).

FOOTNOTES 1 Succah 27a. 2 Mishnah Berurah 639:27. 3 Beur Halachah 639:3. 4 Rama O.C. 639:3. 5 This is the generally accepted time for "night". Under extenuating circumstances, there are those who permit eating the bread a few minutes earlier. Since this is a Biblical mitzvah, it is proper – weather permitting – to wait for 72 minutes after sundown, to satisfy the views of the Rishonim who hold that before that time

it is not definitely night. 6 Mishnah Berurah 639:25. If, mistakenly, one ate the bread even earlier than sundown, not only must he eat another k'zayis but he must also repeat the blessing of leishav basukah. 7 Rama 639:3. 8 Mishnah Berurah 639:26. In that case, though, at least a k'beitzah of bread should be eaten. 9 Mateh Efrayim 625:42, 44. 10 Quoted by the Ritva and Ran in Succah 27b. 11 O.C. 639:3. 12 Mateh Efrayim 625:51; Mishnah Berurah 639:22. 13 The amount of a beitzah according to the Chazon Ish. 14 Mateh Efrayim 625:52 and Eleff le-Mateh 87. 15 Mishnah Berurah 639:22. Children under bar mitzvah may take up to 9 minutes for the amount to be eaten—Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 54 note 130). 16 Kaf ha-Chayim 639:50. 17 Mateh Efrayim 625:52. Mishnah Berurah, though, does not mention this. 18 Beir Halachah 639:3. 19 Bikurei Yaakov 639:6,24; Aruch ha-Shulchan 639:17. 20 Mateh Efrayim 625:51; Mishnah Berurah 625:1. In addition to this, one should bear in mind the reasons behind the mitzvah of succah. According to some poskim (Bikurei Yaakov 625:3 based on Bach), failure to have this intent invalidates the mitzvah. Mishnah Berurah, however, rules, that b'dieved one fulfills his obligation even if he does not have in mind the reasons for the mitzvah. 21 See Chidah (Simchas ha-Regel, quoted in Mo'adim U'zmanim 6:69) who questions if one has fulfilled his obligation in this case. See, however, Mishnah Berurah 60:10, quoting the Chayei Adam. 22 Mateh Efrayim 625:53. 23 Mishnah Berurah 639:21. 24 Sefaradic women, though should not recite the blessing on this mitzvah or on any mitzvah which they are not obligated to perform, such as lulav, shofar, etc. 25 See Yechaveh Da'as 4:37 for the various views. 26 Harav S.Z. Auerbach (quoted in Nishmas Avraham O.C. pg. 320 and Harav O. Yosef (ibid. pg. 337). Tzitz Eliezer (15:32-14) maintains that one should be stringent. See also Mo'adim U'zmanim 1:86. 27 Based on rulings of Mateh Efrayim and Mishnah Berurah. 28 Mateh Efrayim 625:51, 62 and Elef le-Mateh 84. See, however, Ktzei ha-Mateh who holds that when raining all agree that a k'zayis is sufficient. 29 When reciting Hamotzi, one should have in mind that he will recite Birkas ha-Mazon inside the house. 30 Some poskim are more stringent and recommend waiting until midnight. 31 In this case, a k'zayis is not enough. 32 There is a minority opinion (Mo'adim U'zmanim 1:86, based on his understanding of the Gr"i; Harav M. Soloveitchik, quoted in Reshimos Shiurim (Succah, pg. 92) and in Mesorah Torah Journal, vol. 14, pg. 57) which maintains that even after going to sleep one is obligated to get out of bed in order to eat in the succah. Weekly-Halacha, Copyright © 1997 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. Rabbi Neustadt is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Hayeled Doniel Meir ben Hinda. Weekly sponsorships are available—please send email to the moderator, Dr. Jeffrey Gross jgross@torah.org. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118—HaRav Yisroel Grumer, Marah D'Asra

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www.torah.org/learning/drasha Parsha Parables By Rabbi Mordechai Kamenetzky

Just Desserts Sukkos Posted on June 7, 2002 (5758) By **Rabbi Mordechai Kamenetzky**

The Talmud in Tractate Avodah Zarah talks about the future. It details for us a scenario that will occur after the final redemption, when the G-d of the Jews and His Torah are known and accepted by all of mankind. The entire world will see the great reward meted to the small nation that endured an incessant exile while following the Torah scrupulously. Then the idol-worshippers from other nations will line up before G-d and complain, "what about us?" Had we been given the Torah we, too, would surely have kept it! Why are you only rewarding the Jewish people?" The Talmud tells us that G-

d makes a deal. "All right," He tells them. "I'll give you one easy mitzvah. If you observe it correctly, fine. However, if you do not, then your complaints are meaningless.

The Talmud tells us He will give them the mitzvah of Succah. G-d will then take out the sun in all its glory and the protection of the Succah will be no match for its rays. These idol-worshippers, predicts the Talmud, will kick the walls of the Succah and flee in disgust.

There are many mitzvos in the Torah. 613 to be exact. And there are quite a number of difficult ones. Some are conducive to despair and disheartenment without a broiling sun. Why, then, was the mitzvah of Succah chosen to be the cause celebre that differentiates our commitment to that of an idolator?

Rabbi Paysach Krohn, in his first book of the Magid Series tells the story of a Reb Avraham who was about to enter a restaurant one late spring afternoon. Upon entering, he noticed a familiar vagrant Jew, known to all as Berel the beggar, meandering outside.

Reb Berel, rumor had it, was a formidable Torah scholar back in the old country, but had his life shattered physically and emotionally by Nazi atrocities. He was a recluse, no one knew exactly where or how he lived: but he bothered no one, and not too many people bothered with him.

Reb Avraham asked the loner to join him for a meal. He was about to make a business trip up to Binghamton and figured that he might as well prepare for the trip with more than a hot meal – he would begin it with a good deed.

Reb Berel gladly accepted the offer; however, when it came time to order, he asked for nothing more than two baked apples and a hot tea. Reb Avraham's prodding could do nothing to increase the poor man's order. "All I need are two baked apples and a steaming tea," he insisted.

Reb Avraham's trip to Binghamton was uneventful until the rain and the darkness began to fall almost simultaneously. As if dancing in step, the darker it got, the heavier the deluge fell. All Reb Avraham remembered was the skidding that took him over the divider and into oncoming traffic on Route 17 in Harriman, New York. He came to shortly after two tow trucks had pulled his wrecked car from a ditch and lifted him to safety. Refusing hospitalization, he was driven to a nearby motel that was owned by the Friedmans, a Jewish couple who were readying the place for the summer migrations.

Mr. Friedman saw the battered Reb Avraham and quickly prepared a comfortable room for him. His wife quickly prepared a little something for him to eat. She brought it out to a shocked and bewildered Reb Avraham. On her serving tray were two baked apples and a glass of steaming tea.

When the Jews left Egypt, they had nothing to look at in the vast desert but faith. They built simple huts, almost in declaration: "Hashem we will do ours, we are sure You will do yours." And those simple huts, those Sukkos, protected them from the heat, the cold, the wind, and the unknown. Hashem tells the prophet Jeremiah to tell his folk, "I remember the kindness of your youth as you followed Me in an unsowed desert." (Jeremiah 2:2)

Perhaps when the final redemption arrives, it will again be the simple Succah that will stand as the protectorate and advocate of the People who stood for 2,000 years in the face of idolators, who invited the Jews to join them... or die. So, when we enter the Succah this year, let us remember that it is only a small Succah stop on a long journey home. And when we arrive there, the Succah will be there once again to greet us as it was more than 3,300 years ago in the Sinai Desert. After all, it's nice to be served at the end of a 2,000-year-long journey with just desserts.

Dedicated by Dr. and Mrs. Blair Skolnick
Gut Yom Tov!

<https://www.hidabroot.com/article/194538/How-Can-a-Jew-Bless-on-the-4-Species-so-Happily-a-Day-After-Losing-his-Whole-Family-Sukkot-2019>

“How Can a Jew Bless on the 4 Species so Happily a Day After Losing his Whole Family?” This is the power of Chassidut

Rabbi Yeshaya Vind

03.10.17

In Warsaw, Nazi bombs were falling and destroying the city, sowing death and destruction. People losing those dearest to them was part of daily existence in Warsaw. The Nazis used every method they could to break the Jewish spirit.

Sukkot came and there obviously weren't very many 4 species in the city. The Rabbi of Brisk, Rabbi Yitzchak Ze'ev Soloveitchik told over: "I was of the few who had 4 species. So on the 1st day of the holiday hundreds of people came to my house to bless on the 4 species."

"One man that came wore Chassidic garb and when he blessed on the 4 species he was especially happy and did the mitzvah very enthusiastically. I was riveted by this man and I had to find out about him. I was totally shaken to find out that just the day before his whole family was killed in the bombings. This made me really wonder: How is it possible that a Jew make a blessing and shake the 4 species with so much happiness only a day after he lost his whole family?"

"This is the power of Chassidut," exclaimed the Rabbi of Brisk who was of Lithuanian origins and definitely not Chassidic.

Many people ask what new things Chassidut introduced. Indeed they didn't add mitzvot (no one can't's prohibited). But they took things already brought down in the words of our sages and in the Torah and place heavy emphasis on them.

For example, the Chassidim added a lot of life and enthusiasm into Torah learning and doing the mitzvot. The Baal Shem Tov who founded Chassidut placed great emphasis on doing mitzvot with happiness and enthusiasm. Happiness puts Torah in a new light and livens up doing the mitzvot. They're the same Torah and the same mitzvot but suddenly they illuminate and enliven the soul turning the Torah and mitzvot into something sweet and desired.

There's a well-known saying from Rabbi Aaron of Karlin: "Happiness isn't a mitzvah and sadness isn't a sin, but happiness can achieve more than the greatest mitzvah can. And sadness can ruin far more than the greatest sin can." This tells us that happiness can help a person reach lofty spiritual levels.

This is what actually happened. The light of Chassidut allowed Jews to approach Torah differently and do the mitzvot with warmth, happiness and freshness. Routine was replaced with a wave of inner life that filled Judaism. This effect influenced all of Judaism not just those following the path of Chassidut.

Indeed, the Torah itself warns that all punishments would come "For not serving G-d with happiness". This is astounding; the punishments won't come for serious transgressions rather they come for doing the mitzvot unenthusiastically.

This essential idea is not just some specific point in serving G-d; it's the central point of all the Torah and mitzvot. A man with a burning need to do something who gets it done is full of appreciation for G-d and happiness that G-d merited him with it. Happiness is sign of whether someone is happy when doing mitzvot or not. Happiness in his Torah learning and doing mitzvot is so important because it's a telltale sign of how much importance he ascribes to them.

The Shelah writes that the reward someone gets in heaven for doing a mitzvah is in proportion to how happy he was when doing it. The happier a person is when doing a mitzvah the more weight the mitzvah will have on the heavenly scale. 2 people can do the exact same mitzvah and one will receive great reward while the other will receive very little reward since one did the mitzvah with enthusiasm and the other just wanted to 'check off the box' next that mitzvah.

If this was true in every generation, in our generation it is more relevant than ever. Our generation is full of the greatest temptations from every

corner and electronic device. Our generation needs a counterweight to balance against these temptations. We must educate ourselves and then our children to feel the meaning in learning Torah and keeping mitzvot. To feel what King David describes: "The Torah is complete; it revives the soul... more desirable than precious gold... sweeter than honey..."

There's no better time to work on this than Sukkot, the time of our happiness which has a unique mitzvah to be happy. Why is the mitzvah of happiness specifically now on Sukkot? Because this holiday is full of mitzvot for us to do; every moment we sit in the Sukkah we merit another mitzvah. There's no better time to teach ourselves the happiness in doing mitzvot. To cherish every mitzvah and to realize we're amassing treasures in the millions that can never be destroyed and will endure forever!

<http://www.yu.edu/riets/torah/Hoshana%20Rabba.htm>

HOSHANA RABBA

SHIUR OF RAV SOLOVEITCHIK zt"l

BOSTON, 1969

Transcribed and summarized by **Rabbi Nisson E. Shulman**

I. The Torah commanded that within the precincts of the Holy Temple in Jerusalem the lulav and esrog should be taken on each of the 7 days of Sukkos. Beyond the Temple precincts it was taken in hand only on the first day. The source is Vayikra 23:40, "Ulekachtem lachem bayom harishon pri etz hadar... usemakthem lifney hashem elokechem shivas yamim." While the lulav commandment seems to apply to the first day alone, our sages interpreted the command of simcha to mean by means of the lulav and esrog. Hence, that commandment was applied to each of the seven days. In the same way, the arava was taken in hand within the Holy Temple on each of the holiday's seven days, but outside its precincts it was taken only on the seventh day. The source of the arava commandment is the oral tradition (that does not diminish from its authority as a Torah commandment).

In the Beis HaMikdash there was special significance to taking the lulav on the first day and the arava on the seventh day, for only on those days did these respective mitzvot take precedence over the Shabbos. Thus, if Shabbos coincided with the first day, the lulav would be taken in hand. If it coincided with the seventh day, the mitzvah of arava applied. On the other days of the holiday, Shabbos took precedence over both of these mitzvot. The reasoning regarding lulav is obvious, for only on that day were both commands operative, "ulekachtem" and "usemachtem." Thereafter, only the "usemachtem" commandment remained. We do not know why the arava took precedence over the Shabbos on the seventh day (See Sukkah 42b).

In the Temple, the commandment of arava was fulfilled in two ways. They would decorate the altar with long aravos, which were so tall that their tops waved over it. At that time they would blow "hatzotzros," the trumpets. They would also, on each day of Sukkos, after fulfilling the mitzvah of the lulav and esrog, put them away and take the arava. We will later discuss what they did with the arava.

II. When the Holy Temple was destroyed, Rabbi Yohanan ben Zakkai decreed that these commandments should remain operative in remembrance, but with this difference, the lulav was maintained for each day of Sukkos except for Shabbos, and the arava applied only on Hoshana Rabba. On Hoshana Rabba, besides decorating the altar, might they also have taken the arava in hand while marching around it seven times? Otherwise, how can we consider the arava a remembrance of the Temple? What possible commemoration can there be for the decoration of the altar? However, if in the Beis HaMikdash we had marched around the altar with the arava as well, then by our marching around the Sefer Torah on the bima today, we do, indeed, reflect the practice in the Temple. [It appears that arava on Hoshana Rabba was considered an even more important performance than the commandment of blowing the shofar on Rosh Hashanah, for the Talmud discusses organizing the calendar in such a way that Hoshana Rabba does not fall on Shabbos (See Sukkah 43b). It has no such discussion in connection with the shofar, which is not blown when Shabbos comes out on

Rosh Hashanah. We do not know why Hoshana Rabba has so much prominence.]

Rav Yoseph (Sukkah 43b) questions the premise that today arava on Hoshana Rabba is in commemoration of the practice in the Beis HaMikdash, for that could only be true if arava in the Mikdash was taken in hand (netilah), and with it we marched around the altar. Rav Yoseph holds, however, that all they did in the Mikdash was beautify the altar by means of arava but did not march around the altar with it. Thus our custom of arava on the seventh day has nothing to do with the Beis HaMikdash since there is no longer any altar. As Rashi says; Vehashta deleka mizbeach, heicha nizkefa?" Abaye questions Rav Yoseph's statement by quoting the Mishnah that they would walk around the altar once every day and seven times on Hoshana Rabba. "Was it not with the arava (in hand)?" This is refuted: "No, the marching around the altar was with the lulav in hand."

The Talmud quotes a controversy on this issue, and concludes that they walked around the altar holding the arava. The Talmud cites an incident that took place in the Holy Temple. Dissident followers of Baitus who objected in principle to the oral tradition, tried to sabotage a Shabbos Hoshana Rabba service by burying the aravos which had been prepared from erev Shabbos under stones which on Shabbos are "muktzeh." Ordinary Jews came the next day, disregarded the prohibition of muktzeh, drew the aravos out from under the stones, and practiced "hibut arava." If the practice of arava was limited to decorating the altar (zekefa) alone, the beraita would not have used the term "hibut arava" which means either shaking or banging. (According to Rashi, the arava was waved in precisely the same fashion as the lulav. It is the Rambam who interprets "hibut" as "banging").

So the opinion of those who claimed that the hakafot were with the lulav in hand and without the arava is rejected. Arava remains with a dual aspect, "zekifa," decorating the altar, and "netila," taking the arava in hand and with it marching around the altar.

III. Rambam, Ch. VII Hilchot Lulav, Halakhah 20-22, has a slightly different view than that described above. He cites the Oral Tradition that in the Mikdash they brought an additional arava besides the one bound with the lulav, and describes how the mitzvah was accomplished. Each of the seven days they would bring branches of arava and stand them up around the altar with their tops bending over it. And while they brought these willow branches, they would blow tekiah, teruah, tekiah (with "hatzotzros," trumpets).

Blowing the trumpets in this fashion made it clear that arava was a fulfillment of a mitzvah (a "kiyum") rooted in the Mikdash itself. In effect, it was a mitzvah that the altar be decorated with aravos, for they blew the "hatzotzros" for those procedures dependent on the Mikdash, such as when they opened and shut the Mikdash gates. Whenever the fulfillment of the mitzvah is related to the sanctuary itself, it required the "hatzotzros." That is why, when they removed the aravos, they would say, "Yofi lecha mizbeach," How beautiful (this practice is for) the altar. If arava were a mitzvah incumbent upon the persona (kiyum gavra), then each person would have to approach the altar and erect an arava. But that was not the way it took place. The priests used to do it on behalf of everyone, for the Halakhah was that the altar had to be decorated with aravos.

When the Rambam describes the practice on those occasions when Shabbos coincided with Hoshana Rabba, however, he mentions two procedures: the erection of the arava decoration around the mizbeach, and the taking of the arava in hand; "ubaim haam venotim mimenu kederech sheosim bechol yom." So apparently the Rambam agrees that there are two "kiyumim" to arava, one relating to the altar, that it be decorated with arava, the other relating to each person requiring him to hold an arava. Yet, when describing the daily practice, he indicates that they marched around the altar with their lulavim rather than with the arava (ibid. 23). Moreover, the Rambam assumes the hakafah must be part of Hallel, since they recited "ana hashem hoshiah na;" this could only apply to lulav. How do you explain this apparent contradiction to the Gemara above? The discussion in the Gemara

seems to have rejected this view, holding that every day there was "hakafa" with the arava, not only on Hoshana Rabba. How does the Rambam explain this?

Apparently the Rambam held that even though there is a personal requirement (kiyum gavra) of "netilat arava," taking it in hand, this is not fulfilled by "hakafah," making a circuit around the altar. It consists rather of moving the arava, or smiting it ("nanuim" or "hibut") (See 22). Our practice on Hoshana Rabba of striking the arava on the floor (bench) or wall is, according to the Rambam, exactly what they did in the Beis HaMikdash. Just as we smite the arava on the wall or floor without a bracha on Hoshana Rabba, in the Beis HaMikdash they used to do this every day of the holiday. Thus, while according to Rashi, arava in the Temple was waved and held as we marched around the altar, and this is an extension of "netila," according to Rambam "hibut," smiting the arava, is the extension of "netilah." He derives this from the beraita's use of the word "hibut" "She'eyn baytusim modim shehibut haarava doche Shabbat." So, according to Rambam, the circuit of the altar was done only with the lulav, and never with the arava.

IV. Why is the Rambam so insistent about this? If you take the "hakafah" and relegate it to the arava, as Rashi does, then it turns out that arava has two communal "kiyumim" deriving from the altar: 1) that the altar be decorated with arava; 2) that the altar has a procession around it by means of the arava. The lulav is left with only one "kiyum gavra," the personal obligation of "netila," that of taking the lulav (4 minim) in hand, reciting a bracha and moving or waving it. The Rambam agrees that there is a dual aspect of the commandment of arava: one is a "kiyum mizbeach," a communal requirement dependent on the altar, the second is a personal responsibility, a "kiyum gavra." The "kiyum mizbeach" is that it be decorated by means of arava; the second is the personal responsibility of "hibut," that every person take an arava and strike it two or three times on the floor or on the wall.

According to the Rambam there were two aspects of the mitzvah of lulav as well: 1) the individual's requirement to hold the lulav in his hand for each of the seven days (and outside the Temple for the first day), and 2) the communal requirement, the "kiyum mizbeach" that on all seven days the altar be decorated with lulav, not by standing the lulavim up around the altar (as in the case of arava), but by means of a parade around the altar holding the lulav. For the arava, the medium of beautification of the altar is to erect them around it; for the lulav the medium is to make a circuit of the altar, holding the lulav in hand. This is not our individual duty, but a requirement of the altar and could therefore be performed by the priests on our behalf. It would seem, according to this then, that the mitzvah of "usemachtem" branches out, becoming - after the first day of Sukkos - a communal duty expressed by the lulav parade around the altar.

V. Today, we practice hakafah every day of Sukkos by walking around the bima upon which a Sefer Torah is held, making one circuit daily and seven on Hoshana Rabba. The Rambam stresses the custom today of circling the "tevah" and thereby means the Sefer Torah which it contained, so that the "tevah" represents the altar (ibid. 23).

According to Rashi, the whole institution of hakafot on days other than Hoshana Rabba makes no sense, because, according to his view, in Temple times there were no hakafot with the lulav, but only with the arava! Furthermore, the mitzvah of the arava is limited to the seventh day, so why should there be any hakafot altogether on the other days?

According to Rambam, however, it is logical. Circling makes sense on every day of Sukkos since it is not related to the arava but to the lulav with which - in the Temple - they would circle the altar on each day of the holiday. Thus, according to the Rambam, circling with the arava is not done on any other day of Sukkos. The lulav parade each day of Sukkos today is in remembrance of the Temple. On Hoshana Rabba the situation changes, for there is then zecher leMikdash, not only by means of lulav, but by means of arava as well; lulav all the seven days, the arava on Hoshana Rabba, its exclusive day.

VI. On Hoshana Rabba we seek to accommodate both views, that of Rambam and that of Rashi. We circle with the lulav, for according to Rambam, besides the personal obligation of "netilah," taking the lulav, there is a communal obligation that the altar have a parade around it just like on every other day of Sukkos. As far as the mitzvah of arava is concerned, that is fulfilled with "hibut," striking the arava. Rashi, who holds that the circuit on every other day of Sukkos is with the arava, applies that to Hoshana Rabba as well, as a communal responsibility deriving from the altar. He also holds that the arava on Hoshana Rabba is also a personal obligation, fulfilled with "netila." Both Rashi and Rambam agree that on Hoshana Rabba there are seven circuits of the altar.

Rabbi Moses Isserles (Rama) therefore says that on Hoshana Rabba you pick up the arava together with the lulav. The Ari HaKadosh, however, maintains that for reasons rooted in Kabbalah one should not take the lulav and the arava at the same time. That is why on Hoshana Rabba we don't pick up the arava until we have put away the lulav. The four items of the mitzvah, lulav, arava, esrog, hadas, represent the complete name of Hashem of four letters, the Yod, He, Vav and He. This is expressed in the Yehi Ratzon, "Bring nigh each to the other and they should be as One in my hand." This name of G-d represents mercy, loving-kindness, "Hashem Hashem, Kel rachum vechanun." The arava is "din." That is why the arava should not be held together with the four varieties. (Rav Moshe Soloveitchik and Rav Chaim did, indeed, hold the lulav together with the arava).

VII. There are a number of rulings in the Mikdash that are reflected in current practice. For instance, a mourner does not participate in the hakafot. Some achronim question why a mourner should not participate since he is required to fulfill all commandments. The Gaon explains that it is because hakafah is a mitzvah mizbeach, a communal obligation regarding the mizbeach, and an avel does not send karbanot, and has no access to the mizbeach.

The Mishnah clearly indicates that in the Beis HaMikdash, Hoshana Rabba was the most outstanding day of Sukkos, particularly in relation to the arava. We do not know why this is so, although the Zohar elaborates about Hoshana Rabba in Parshat Noach and Parshat Pinhas. The Ramban, too, in Bamidbar (Shelach), in connection with the spies, on the passage "His protection was removed from them," indicates that the night of Hoshana Rabba is the last chance to influence our "gezar din," the final decree issued on Yom Kippur. Ramban therefore calls the night of erev Hoshana Rabba "leil hahatima;" no change in our "gezar din" can be made thereafter.

We do not know why the Talmud is silent about this element of Hoshana Rabba. But we do see that on Hoshana Rabba the ceremonial procedure changed in the Beis HaMikdash, and intensified seven-fold.

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How to Live in the Sukkah By Rabbi Yirmiyohu Kaganoff

RabbiKaganoff.com, there are many articles on the different mitzvos we observe on Sukkos. They can be located under the search words: Chol Hamoed, Esrog, Sukkah and Yom Tov. Our next article will be for parshas Bereishis.

Question #1: Where? "Where should I learn Torah during Sukkos?"
Question #2: What? "What are the rules about having dirty plates and glasses in the sukkah?"
Question #3: When? "When it is raining on the first night of Sukkos, why do we make kiddush and hamotzi in the sukkah, but without reciting the brocha on the mitzvah?"

Introduction: The laws of the mitzvah of sukkah are highly detailed and very unusual. In the course of answering the opening questions, we will be studying an overview of the unique laws of this beautiful mitzvah.

Home sweet sukkah The proper observance of this mitzvah is to treat the sukkah as one's home for the entire seven days of Sukkos (Mishnah and Gemara Sukkah 28b). This is derived from the Torah's words: "You shall dwell (teishevu) in the Sukkah for seven days." This is the only mitzvah of

the Torah that is worded this way, and, as a result, there are many interesting and unique halachic details, both lekulah and lechumrah. (Women are exempt from the mitzvah of sukkah, and, therefore, the halachos that we describe in this article apply only to men. However, a woman who eats or spends time in the sukkah fulfills a mitzvah. According to Ashkenazic practice, she recites a brocha prior to fulfilling the mitzvah; according to Sephardic practice, she does not.) The Gemara explains that a person should not only eat all his meals in the sukkah, but he should sleep and relax in the sukkah (Sukkah 28b; Shulchan Aruch Orach Chayim 639:1). Although in many places in chutz la'aretz, people are not accustomed to sleeping in the sukkah because of safety, weather or personal concerns (see Rema and achronim, Orach Chayim 639:2), we should still spend most of the day in the sukkah, and not simply use it as a place to eat our meals, and then leave it for the rest of the day. To quote the Shulchan Aruch (Orach Chayim 639:1): "How does one fulfill the mitzvah of living in the sukkah? One should eat, drink, sleep, relax, and live in the sukkah all seven days, both in the daytime and at night, just as he lives in his house the rest of the year. For these seven days, he should make his house temporary and his sukkah into his regular residence. What are some examples of this? His nicest vessels, tablecloths and bedspreads should be in the sukkah. His drinking vessels, both the serving vessels and the drinking glasses, should be in the sukkah. However, utensils used to prepare food, such as pots and pans, should be outside the sukkah. The lamp should be in the sukkah; however, if the sukkah is small, it should be placed outside the sukkah." What does the Shulchan Aruch mean when it makes a distinction between drinking vessels, which are inside the sukkah, and utensils to prepare food, which it says should be outside the sukkah? Here, the Shulchan Aruch introduces the following concept. Although we are supposed to use and live in the sukkah as we do in our house, we are required to treat the sukkah with a degree of respect, as it has some level of kedusha. The Rema (639:1) notes that unbecoming things should not be performed in the sukkah. The Beis Yosef chooses washing dishes as an example of something inappropriate in the sukkah. The Magen Avraham explains that washing drinking glasses is permitted in the sukkah, because this is not considered something unaesthetic, whereas washing pots and dirty dishes is. Regarding eating and cooking vessels, there are two aspects to this distinction. According to custom, pots and other cooking vessels that are not brought to the table when there are guests should not be brought into the sukkah (Mishnah Berurah 639:5). Similarly, other items that are not appropriate for public view, such as a child's potty, should never be brought into the sukkah. However, presentable "oven-to-table" cookware may be brought into the sukkah. The second aspect is that plates and platters that are dirty must be removed from the sukkah (Sukkah 29a). This is because, once they have been used, they look unpleasant. Both of these laws do not apply to drinking vessels, which are usually not repulsive, even when dirty (ibid.).

A rule of thumb I have adopted is: Something that would be in the dining room, living room or bedrooms when you are entertaining guests can be in the sukkah. Items that you would ordinarily leave in the kitchen, bathroom or laundry area should not be in the sukkah.

Lamp in the sukkah? The Shulchan Aruch stated: "The lamp should be in the sukkah; however, if the sukkah is small, it should be placed outside the sukkah." What does this mean? In today's post-Edison world, lighting usually means electric lighting, which, if properly installed, should not present any safety hazards. However, when lighting was oil or other flammable material, placing a light inside a small sukkah could pose a safety hazard. Therefore, the sukkah's lighting would, of necessity, be placed outside when the sukkah was small. Although this situation is not ideal, it is, under the circumstances, an acceptable way to observe the mitzvah, notwithstanding that your household lighting would be indoors.

Studying in the sukkah The Gemara (Sukkah 28b) discusses whether learning Torah should be in the sukkah or outside. The conclusion is that learning requiring focus is usually best accomplished outside the sukkah,

where someone can learn with better concentration. On the other hand, learning that will not suffer as a result of being outside home or a beis medrash should, indeed, be done in the sukkah. However, if someone needs access to many seforim while learning, it may not be practical to bring all of them to the sukkah. The Mishnah Berurah (639:29) recommends bringing the seforim that he will need to the sukkah for the entire Yom Tov, if he can create a place there to keep them. I will add that, depending on the climate, he may need a place where they will not get wet. Thus, we can answer our opening question: “Where should I learn Torah during Sukkos?” The answer is: If someone can conveniently learn in the sukkah, he should; but if he cannot, he should learn where he will be able to accomplish the most.

Snacking outside the sukkah? Although the Shulchan Aruch requires that all meals be eaten in the sukkah, it does not require that snacks be eaten in the sukkah. This ruling is also derived from the Torah’s wording of mitzvas sukkah: “You shall dwell (teishevu) in the Sukkah for seven days,” which implies that we should treat the sukkah as we treat our house the rest of the year. In this instance, the result is lenient. Just as we do not eat all snacks in the house, but eat them wherever we find ourselves, the same is true regarding eating snacks on Sukkos – there is no requirement to eat them in the sukkah. In this context, the Mishnah reports: “It once happened that someone brought Rabban Yochanan ben Zakai some food to taste, and (in another anecdote) someone brought Rabban Gamliel two dates and a pitcher of water. In both instances, the rabbonim asked that the food be brought to the sukkah for them to eat it there. However, when someone brought Rabbi Tzadok a small amount of bread, he ate a very small amount -- less than the size-equivalency of an egg -- outside the sukkah” (Mishnah, Sukkah 26b). The Gemara explains: The halacha does not require eating any of these items in the sukkah, but one is permitted to be more stringent. In other words, someone who desires to be stringent and not eat anything or drink even water outside the sukkah is praiseworthy. Ordinarily, it is prohibited to act more stringently than the halacha requires, because of a concern called yohara, showing off that one is more careful in halacha than other people. This concern does not exist germane to being strict about eating snacks in the sukkah, and, therefore, Rabban Yochanan ben Zakai and Rabban Gamliel ate in the sukkah, even when it was not mandated. On the other hand, since this is a stringency and not halachically required, Rabbi Tzadok ate his snack outside the sukkah. How much is still considered a snack that is permitted outside of the sukkah? If you are eating bread, you may eat a piece that is equal to, but not greater than, the size of an average-sized egg. Someone who wants to determine this size exactly should discuss it with his rav or posek. Fruit, as much as you want, may be eaten outside the sukkah. A cereal produced from the five grains may not be eaten outside the sukkah, if it constitutes a meal.

Stopping for a drink It is permitted to drink water or any other beverage, even wine, outside the sukkah. However, be aware that if a person is in the middle of a meal that requires being in the sukkah, he may not eat or drink anything outside the sukkah (see Ran). This is because every part of a meal must be eaten in the sukkah, even while in the house getting the next course. (Of course, since women are exempt from the mitzvah of sukkah, they may eat or help themselves to something in the house during the meal.)

Kiddush, hamotzi, but not brocha? At this point, let us discuss the third of our opening questions: “When it is raining on the first night of Sukkos, why do we make kiddush and hamotzi in the sukkah, but without reciting the brocha on the mitzvah?”

Leniencies about sukkah Answering this question requires two introductions about different aspects of the laws of sukkah. The first is:

As I noted above, when the mitzvah of sukkah is discussed, the Torah writes “You shall dwell (teishevu) in the Sukkah for seven days.” Seemingly, the Torah could just as easily have instructed, “You shall be (tiyu) in the sukkah for seven days.” Why did the Torah use the word teishevu, dwell, rather than the word tiyu, be? Either term teishevu (dwell) or tiyu (be) implies that a person should use his sukkah as his primary residence through

the Yom Tov! The answer is because the word teishevu implies something that tiyu does not: Teishevu implies that there is no requirement to use the sukkah in circumstances that you would not use your house the rest of the year (Tosafos Yom Tov, Sukkah 2:4). This is referred to as teishevu ke’ein taduru, you should live in the sukkah similarly to the way you normally live in your house. Since the mitzvah of the Torah is to treat the sukkah as you ordinarily treat your house, there are leniencies that do not apply to any other mitzvah. One case of these is mitzta’er, someone for whom being in the sukkah causes discomfort. A mitzta’er is exempt from being in the sukkah (Sukkah 26a). For example, a person whose house is very chilly will relocate temporarily to a warmer dwelling; if bees infest your house, you will find alternative accommodations; if the roof leaks, you will find a dry location until it is repaired. Just as people evacuate their houses when uncomfortable and find more suitable accommodations, so may they relocate from their sukkah when uncomfortable and seek more pleasant arrangements. Therefore, if a bad smell develops near the sukkah, one is exempt from staying in the sukkah.

The first night of Sukkos The second introduction is to explain that there are two aspects to the mitzvah of sukkah.

(1) The mitzvah to dwell in a sukkah the entire Yom Tov. This is the aspect of the mitzvah that we have been discussing until this point. (2) The requirement to eat in a sukkah on the first night of the Yom Tov. Chazal derive this requirement by way of a hermeneutic comparison to the mitzvah of eating matzah on the first night of Pesach (Sukkah 27a). Although there is no requirement to eat matzah all of Pesach, on the first night there is a requirement, as the Torah specifies, ba’erev to’chelu matzos, on the first night of Pesach one is required to eat matzah.

This means that Hashem taught Moshe at Har Sinai that there are two aspects to the mitzvah of living in the sukkah. The first night one has an obligation to eat in the sukkah. The rest of Sukkos, the requirement is to treat the sukkah as you treat your house. Therefore, should you spend all of Sukkos in a circumstance where you would usually never be home – such as a meshulach on a fundraising trip – you could potentially avoid being in the sukkah the entire Yom Tov without violating the mitzvah. However, on the first night, there is an obligation to eat in the sukkah. Even if someone chooses not to eat a meal all of Sukkos, but to subsist completely on snacks, the first night, he is still required to eat a kezayis of bread in the sukkah.

Mitzta’er the first night Our next question is whether a mitzta’er is required to eat in the sukkah the first night of Sukkos. For example, when the weather is inclement, and it is permitted to eat in the house, does this also exempt someone from eating a kezayis of bread in the sukkah on the first night? This question is the subject of a dispute among the rishonim. Some contend that this exemption does not apply to the mitzvah to eat a kezayis in the sukkah on the first night. Just as a mitzta’er is required to eat a kezayis of matzah the first night of Pesach, so too a mitzta’er is required to eat a kezayis of bread in the sukkah on the first night of Sukkos (Tur Orach Chayim 639). Other rishonim disagree, contending that the rules of teishevu ke’ein taduru apply on the first night, just as they apply throughout the rest of the week (Shu”t Rashba, quoted by Beis Yosef).

How do we rule? The Rema (Orach Chayim 640:4) concludes that although a mitzta’er is absolved from fulfilling mitzvas sukkah the rest of the week, he must, nevertheless, eat a kezayis of bread in the sukkah the first night of Sukkos (see also Meiri, Sukkah 26a; Rema, Orach Chayim 639:5). Ashkenazim, who follow the Rema’s opinion the vast majority of the time, consider this to be an unresolved halachic issue. Therefore, if it rains on the first night of Sukkos, they eat at least a kezayis of bread in the sukkah. However, since there are rishonim who contend that a mitzta’er is exempt even from eating a kezayis on the first night, they do not recite a brocha leisheiv basukah (consensus of most achronim, see Mishnah Berurah 639:35). Sefardim should ask their rav what to do, since there is a dispute among Sefardic poskim whether one is obligated to eat in the sukkah on the first night of Yom Tov under these circumstances.

Second night in chutz la'aretz The acharonim dispute whether the practice of Ashkenazim to make kiddush and eat a kezayis in the sukkah even when it is raining applies only on the first night of Sukkos, or even on the second night of Sukkos in chutz la'aretz. I refer our readers to their rav or posek to discuss this question, should it become germane.

The stars and the sukkah The halacha is that, lechatchilah, one should be able to see the stars through the sukkah's schach. What is the reason behind this requirement? The following thought was suggested: The sukkah, a temporary dwelling with a leaky thatched roof, represents the Jew in exile. Yet, there are a wide variety of kosher Sukkos. Some sukkos are constructed with four complete and sturdy walls that reach all the way to the schach. On the other hand, there are Sukkos that are much less sturdy and yet they are still kosher. For example a sukkah with just two fairly narrow walls accompanied by a third "wall" that is a mere plank the width of one's fist is kosher. Such a shabby sukkah can be kosher, even if its walls are only ten tefachim tall, which is less than forty inches, with open air between the top of the short "walls" and the schach, notwithstanding that such a sukkah provides virtually no privacy. Do you know anyone who would live in such a house? The different types of sukkos represent different forms of exile. In some times and places, we were welcomed and had a sense of security; in others, we had to cringe in fear. Yet, there is one common factor in all the various exiles that we have been through – the stars. The stars remind us that when Klal Yisrael merits it, instead of being like the dust of the earth, we will be like the stars in the sky! (This approach is cited in the contemporary work, Shalal Rav, Sukkos volume, page 114.) Thus, regardless of the difficulties of the moment, we have a Divine promise that one day we will be stars!

Conclusion We all hope to merit performing this beautiful mitzvah in the best way possible. After having davened for a good, sweet, new year, the logical continuation is to observe mitzvas sukkah in a halachically correct manner, getting our year off to a wonderful start!

from: Ohr Somayach <ohr@ohr.edu> date: Oct 10, 2019, 8:25 AM subject: **Parsha Q&A - SUCCOT**
web: <http://ohr.edu/8563> For the week ending 12 October 2019 / 13 Tishri 5780

SUCCOT Questions 1. According to the Torah, what three basic requirements define a material as valid for use as a sukkah roof? 2. If the sukkah causes discomfort (e.g., it's too cold) to the extent that under similar conditions you would leave your very own house, you are exempt from the mitzvah. Why? 3. What two things are forbidden to do outside of the sukkah all seven days of the festival? 4. What is the absolute minimum number of meals a person is required to eat in the sukkah during the seven day holiday? 5. Besides referring to the tree and its fruit, what does the word etrog mean literally? 6. What is the minimum length of a lulav? 7. What is the maximum percentage a person is required to add to the purchase price of his etrog in order to obtain one of greater beauty? 8. On the Shabbat that occurs during Succot, we read the Book of Kohelet, in which King Solomon refers to himself as "Kohelet." Why is King Solomon called Kohelet? 9. What prohibition could a person transgress simply by sitting in the sukkah on the eighth day of Succot? 10. We hold a tallit over the heads of the people who read the end of the Torah and the beginning of the Torah. Why? Answers All references are to the verses and Rashi's commentary, unless otherwise stated 2. It must grow from the ground, no longer be connected to the ground, and not be receptive to tumah (ritual defilement). 3. Because the commandment of living in a sukkah is to dwell in the sukkah for seven days the same way you dwell in your house the rest of the year. (Mishneh Berura 640:13) 4. Eat (an 'established' meal) or sleep. (Orach Chaim 639:2) 5. One. Eating a meal in the sukkah the first night of Succot is a requirement. The rest of the festival, a person can eat 'snacks' which are not required to be eaten in a sukkah. (Outside Israel, one must eat a meal the second night of Succot as well. However, there is no requirement to live outside Israel!) (Orach Chaim

639:3) 6. Beauty. (Ramban Vayikra 23:40) 7. Its spine must be at least 4 tefachim (halachic handbreadths). 8. 33.3% (Orach Chaim 656:1) 9. Because he gathered (kihale) vast wisdom, and because he, as king, gathered the nation on Succot after the Sabbatical year. (Rashi, Kohelet 1:1) 10. Bal Tosif- "Do not add to the mitzvahs." The commandment to live in the sukkah applies for only seven days. To sit in the sukkah on the eighth day with intent to fulfill the mitzvah transgresses "bal tosef." (Orach Chaim 666:1) It represents the wedding canopy, symbolizing that through the Torah we wed ourselves to Hashem.

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auth.ccsend.com date: Oct 11, 2019, 11:22 AM subject: Rabbi Reisman's
Haazinu/Sukkos Shiurim

Rabbi Yisroel Reisman - Parshas Ha'azinu 5780 ...

Topic - **A beautiful Sukkos thought.** I would like to share with you a Sukkos thought, it is a beautiful thought about the Korbanos. As you know, there are Shivim Parei Hachag, 70 animals that are offered in descending order over the days of Sukkos. It is one of the topics regarding which not much is usually said. We know that the 70 Parei Hachag are corresponding the 70 nations of the world and they go down, they become less as the days go. What is the depth of it? Let's learn a Rashi in Parshas Pinchas 29:18 (פרי (ההג שבעים הם. כנגד שבעים אומות). 70 Parei Hachag corresponding to the 70 nations. (שמתמעטים והולכים) who go less, there are fewer Parim each day. (ובימי המקדש היו מגינין עליהם מן היסוריין). (כליה להם). It is a sign of destruction. (ובימי המקדש היו מגינין עליהם מן היסוריין). And when the Bais Hamikdash stood these 70 Parim protected these nations from Yissurim, from difficulty. The Rashi seems to be very difficult. It is a contradiction the beginning of Rashi and the end of Rashi. First Rashi says (סימן כליה להם). The 70 Parei Hachag are a sign of the destruction of the 70 Umos. Then Rashi says (ובימי המקדש היו מגינין עליהם מן היסוריין). The 70 Parim are a protection. It needs a Hesber which makes sense in Pshat. In the Avnei Sho'ham he says something extraordinary. By the Dor Haflaga, the whole world was one language, one people, Am Echad. Through the sin of the Dor Haflaga humanity was divided into 70 nations. The Tachlis of the world is that all of humanity should come back together as one, to recognize the Borei Olam. If you don't realize that that is HKB"H's wish for all of humanity, you weren't thinking on the Yomim Nora'im when you Davened in Shemoneh Esrei, V'yai'asu Kulam Aguda Echas La'asos Retzoncha B'leivav Shaleim. Naturally we think of Klal Yisrael becoming one Aguda. But actually the words before are Tein Pachdecha Hashem Elokeinu Al Kol Ma'asecha, V'aimas'cha Al Kol Ma Shebarasa, V'yira'ucha Kol Hamaisim, V'yishtachavu Lefanecha Kol Hab'ruim. V'yai'asu Kulam Aguda Achas. The Halevai is that all of humanity should become one nation that recognizes the Borei Olam. The Yalkut in Parshas Noach says that the Malachim came down and created 70 nations out of one and then L'asid Lavo it will go from 70 downwards until every nation recognizes Hashem. So the idea that the Korbanos are M'matin Es Ha'umos. The Korbanos show the nations become fewer. It is true that the Reshaim disappear from the world. But from every nation there are good people which are connected to the one Uma, to the one nation. That is a protection of the Korbanos to the Umos Ha'olam. Those who are worthy become less. The 70 languages should become one. The 70 nations of antiquity are today only a few nations that remain. No matter how many countries there are in the world. However, the goal of the Parei Hachag being M'matin, is that the righteous ones should combine with Klal Yisrael in recognizing the Borei Olam. So it is not a Stira the two parts in Rashi. The nations are Kalim, they should come to an end. The people of the nations, the Korbanos are for the righteous ones. With this, we have a little bit of an understanding of the Maila of Hoshana Rabba, B'toras Hanigla at least. Because by then the 70 Parim are done, are gone. If the idea is to be destroyed, so then there is no reason to make a Yom Tov the next day. There is no reason for that to be a day with extra Avoda, however, if the idea is His'achdus and the Yichud of all of those who serve HKB"H, then there is a Maila Gedola of Tikkun. This idea that Hoshana Rabbah represents the time

of extraordinary purpose, of positive Tikkun. And so with this thought for the upcoming Chag HaSukkos which fits well with the (לְטַהֵר אֶת־הַבַּיִת). These are days not to forget the experience from which we are coming. May HKB"H grant us that the coming days should have the same sense of urgency, of purity, of Kedusha as the days that just passed/ let's take with us an elevation, Hatzlacha in serving Hashem. A Gut Gebenched Taf Shin Ayin Tes to one and all!

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In My Opinion SUKKOT Rabbi Wein's Weekly Blog

The holiday of Sukkot is a special and joyous one throughout the Jewish world wherever it is commemorated. But, here in the holy city of Jerusalem, it is uniquely joyous. Jerusalem is inundated with visitors who arrive here from every corner of the world and represent not only the variety of people that compose the Jewish people but also tens of thousands of people of other faiths and cultures.

It is truly the fulfillment of the prophecy of Yechezkel that Jerusalem would be the hub of humanity on the holiday of Sukkot and that all of those who participate in the celebration of the holiday in Jerusalem will be blessed with bounty and abundance. It is the realization that time alone is not the only thing that matters but that place and location also have a great deal to do with how we view life and experience history.

For many centuries, Jerusalem was empty and forlorn, not only around Sukkot but for the rest of the year as well. Rabbi Moshe ben Nachman in a letter written to his family back in Spain in 1267 describes sadly and vividly the desolation and isolation of the city of Jerusalem. He laments the fact that he could not even find nine other Jewish males in the city in order to conduct the prayer services with a proper quorum.

Contrast this to the scene in Jerusalem almost 800 years later, of teeming sidewalks of pedestrians and traffic choked streets of automobiles, all participating in the miracle that is the rebuilding of the city of Jerusalem by the Jewish people against all odds, predictions and expectations.

I have often written and thought about the astounding fact that the great miracle that is the state of Israel and the return of the Jewish people to their ancient homeland has not yet registered in world society and unfortunately not even in much of secular Jewish society as well. And even religious and observant Jews who pray three times a day for the welfare of Jerusalem and the restoration of Jewish sovereignty, do not seem to take seriously the fact that Jerusalem is being rebuilt and that the Jewish people continue to return.

Simply being able to stand on the street corner on the holiday of Sukkot and watch what is transpiring in the holy city is to me a spiritual experience. The words of the prophets of Israel are actualized before one's very eyes. There may be those that live here in Jerusalem who take that fact for granted, but I, for one, do not do so. And the fact that on the holiday of Sukkot so many visitors, tourists, pilgrims and apparent strangers choose to come and spend this most happy of weeks here in Jerusalem testifies to the fact that we are living in a special time and certainly in a special place.

The city of Jerusalem is unrecognizable from what it looked like a century ago. More astoundingly, it is unrecognizable from what it looked like even a decade ago. The building of the city goes forth at a pace driven by the pent-up energy that had been stifled by millennia of exile, persecution and degradation. Once this energy was loosened by the creation of the Jewish state and by the return of millions of Jews to live in the land of Israel, the rebuilding of Jerusalem took on urgency.

According to the latest statistical information, Jerusalem has overtaken Tel Aviv as being the largest and most populous of all the cities in our country. Foreign investment in Jerusalem is constant and despite all the physical advances and infrastructure distractions – the noise, dust and the buzz of building machinery – Jerusalem is not lost its mysterious quality of contentment, spirituality and unbounded optimism.

There is a unique joy that one can experience simply by being a resident in his city. It is obvious that we are participants in one of the great historical events in the history of human civilization. And, as such, each individual privileged to live here or even simply to visit, realizes that one is but an actor onstage, part of an ensemble cast that is participating in a drama that is eternal and inspiring. All of this is on display in the streets and in the homes of Jerusalem on the great holiday of Sukkot. Chag Sameach Berel Wein

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Rabbi Eliakim Koenigsberg

The Sukkah: The Key to True Happiness

"BaSukkos Teishvu Shivas Yamim" (Emor 23:42). Chazal explain (Sukkah 2a) that the Torah is saying, "Leave your diras keva, your permanent dwelling, your home, and live in a diras arai, a temporary dwelling, for seven days." What is the purpose of living in a diras arai for seven days? And why are we commanded to do so specifically at this time of the year?

One answer might be that during Sukkos, the Chag Ha'Asif, which celebrates the new harvest, there is a concern that one might get carried away with his financial success. He might mistakenly perceive that kochi v'otzem yadi asah li es ha'chayil hazeh - my strength and the power of my own hand made me successful. The Torah, therefore, commands us to leave our comfortable, protective homes and enter into the sukkah, a temporary, flimsy dwelling that is open to the sky, to reinforce the notion that man is constantly dependent on rachamei shamayim - Divine assistance, to achieve anything in life. Whether we sit in a sukkah to commemorate how Bnei Yisrael in the midbar were protected by the clouds of glory or they sat in actual huts (Sukkah 11b), the lesson is the same, namely that just as Hashem protected Bnei Yisrael in the midbar, so too He is the one who protects and provides for each one of us.

The Chida (Simchas HaRegel, Sukkos) adds that there is a second important message that living in the diras arai of the sukkah is meant to highlight, and that is that our existence in Olam Hazeh is only temporary, that all the pleasures of the physical world are ephemeral and insignificant. Lasting, eternal pleasure can only be achieved through our involvement in talmud Torah, mitzvos and ma'asim tovim. By commanding us to sit in the sukkah right after the Yamim Noraim, the Torah wants to remind us how important it is to have the proper sense of priorities if we want to follow through on our teshuva resolutions, to effect meaningful change in our lives.

This, writes the Chida, is the idea that Yaakov Avinu tried to convey after his encounter with Esav. The posuk says, "And Yaakov traveled to Sukkos, and he built for himself a home (bayis), and for his cattle he made huts; therefore he called the name of the place Sukkos" (Vayishlach 33:17). Why did he name the place Sukkos? He should have named it "Bayis" after the home he built. The Chida explains that by building huts for his cattle (l'mikneihu) and naming the place Sukkos, Yaakov Avinu wanted to express the idea that all worldly possessions (mikneh) are only temporary, so they don't deserve to be stored in a permanent structure.

The Chida's comment can shed light on the statement of the Tur (Orach Chaim 417) that the mitzvah of sukkah was given to Bnei Yisrael in the merit of Yaakov Avinu who built sukkos for his cattle. What is the connection between the sukkos of Yaakov Avinu and the mitzvah of sukkah? The answer is that the purpose of living in the diras arai of the sukkah is to help us develop the perspective of Yaakov Avinu that material possessions are insignificant, and that one should focus his attention in this world on spiritual pursuits which have lasting value.

This could also be the reason why we read Koheles on Chol HaMoed Sukkos to remind us how temporary, frustrating and unfulfilling life in this world can be. The only accomplishments which have lasting value are spiritual ones. The bottom line is what Koheles writes in his conclusion, "In the end, when all is considered, fear G-d and keep his mitzvos, for that is the whole purpose of man." The message of Koheles is that to achieve real

success in this world, one must have an appreciation of what is primary and what is secondary, what is temporary and what has lasting value.

Rav Shmuel Aharon Yudelevitch, a son-in-law of the famed tzaddik Rav Aryeh Levin zt"l, once suggested (see Me'eelo Shel Shmuel, p. 264) that perhaps this is why Sukkos is called z'man simchaseinu because the sukkah is a vehicle which can teach us how to be truly happy. The message of the sukkah is that life in this world is *aria* - it is only temporary. All physical pleasure is fleeting. The older a person gets the more he appreciates how the endless pursuit of physical pleasure doesn't really satisfy a person. The only way to achieve real happiness is by connecting oneself to the *Ribbono Shel Olam* - by studying His Torah and observing His mitzvos, by focusing on spiritual matters. The *yom tov* of Sukkos teaches us how to live a more satisfying and meaningful life. It helps keep the fire of the *Yamim Noraim* burning inside us throughout the winter. It reveals the key to true happiness.

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Why Do Women Recite Birchas Hatorah?

By: Rabbi Raphael Fuchs

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The Gemara in Berachos 21a derives from the *pasuk* in Parshas Ha'azinu, "Ki shem Hashem ekra havu godel l'eloheinu," that we must recite a berachah on the mitzvah of learning Torah. There is a *machlokes* whether birchas haTorah is m'd'Oraisa or m'd'Rabanan.

There is a *machlokes* Rishonim whether in general women may recite a berachah on performing a mitzvah from which they are exempt. For example women are exempt from hearing shofar, shaking the *daled minim* or sitting in a sukkah. Should they chose to perform one of these mitzvos, may they recite a berachah or not?

The Shulchan Aruch (Orach Chaim 47:14) says that women should recite birchas hatorah. According to the Rishonim who opine that they can recite a berachah, we understand that they can recite the berachah on learning Torah as well. However, the Mechaber rules in favor of those Rishonim who do not permit women to recite a berachah on a mitzvah from which they are exempt. How then can he rule that they should recite a berachah on the mitzvah of learning Torah, since they are exempt from it?

The Magen Avraham quotes the *Beis Yosef*, in the name of the *Agur*, and explains that women are obligated to learn the halachos that pertain to them and are obligated to say *korbanos*, just as they are obligated to daven. Thus they may recite the berachah on Torah. The Magen Avraham also explains that it is for this reason that women can mention in the second berachah of *bentching*, "v'al Torasecha she'limaditanu," since they are obligated to learn the halachos that pertain to them.

The Vilna Gaon does not agree with the Magen Avraham's suggested answer, since the Gemara derives from the *pasuk*, "v'limadetem osam es beneichem" – v'lo benoseichem – that women are exempt from the mitzvah entirely. This pertains even to learning about the mitzvos that they are obligated to perform. The Vilna Gaon understands that women have no mitzvah to learn even about these things. Granted they must know how to do certain things, however learning how to do these things does not fall under the mitzvah of learning Torah.

The Brisker Rav, in his *sefer* on the Rambam (Hilchos Berachos), quotes his father, Rav Chaim Soloveitchik zt"l, who suggests an alternative *p'shat*. He explains that the berachah that is recited on the Torah is different from the brachos that are recited on all other mitzvos. For all other mitzvos, the berachah is on the fulfillment of the mitzvah, while the berachah on the Torah is not recited on the fulfillment of the mitzvah but rather on the Torah itself. That is to say that the actual learning requires a berachah regardless of any mitzvah to learn. Therefore, women who are not commanded to learn may recite a berachah, since when they learn it is Torah that is being learned – even though it is lacking the mitzvah.

I want to suggest another reason why women would be permitted to recite a berachah on learning Torah. The Gemara in Berachos 17a says that one only merits *techiyas hamesim* in the merit of the mitzvah of learning Torah. The Gemara asks, "How then will women merit this?" The Gemara answers that women merit *techiyas hamesim* when they send their sons to learn in *yeshiva* and their husbands to learn Torah and wait for them to return.

Apparently, by acting as the moral support and encouraging their husbands and sons to learn they have a part of the mitzvah. While women are exempt from actually learning Torah, they are obligated in a different aspect of the mitzvah. This is similar to the obligation that women have to partake in a *milchemes mitzvah*. The Acharonim explain that although women are not "bnos melchama" nevertheless they partake in other noncombat aspects of the war, such as bringing supplies. Based on this we can explain that although women are exempt from learning Torah, the Mechaber can still opine that they recite a birchas haTorah. This is because they are obligated in the mitzvah; just a different aspect of it. Anyone who is obligated in any aspect of the mitzvah can recite a berachah on the mitzvah.

(The opinion that women do not make berachos on mitzvos that they are exempt from is only according to Sephardic tradition. Ashkenazic women do make a berachah when they shake the lulav, eat in a sukkah, etc.)

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For the week ending 12 October 2019 / 13 Tishri 5780

Sukka on Shmini Atzeres?

by 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’arezt 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’arezt 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’arezt. Since Yomim Tovim are celebrated as two days, what should be done on Shmini Atzeres in Chutz La’arezt? 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 and Shulchan Aruch,[18] 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.[19] Which is correct?

To Sleep or Not to Sleep? It is well known that the Vilna Gaon[20] 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[21] 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 Sukkah.[22] The Chasam Sofer famously did not sleep in the Sukka on Shmini Atzeres.[23] This is also the conclusion of the Mishnah Berurah,[24] 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.[25]

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 Sfas Emes, the Aruch Hashulchan, the Kozeglover Gaon, and the Minchas Elazar.[26] 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 in his Daas Torah (although not ruling that 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.[27]

Many of these authorities base their heter on the Korban Nesanel,[28] 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. 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 “leishev baSukka”, but not that one is actually obligated to. 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.’” Since Tefillas Geshem (or

is it Gashem?)[29] is recited on Shmini Atzeres, if one's tefillos would be answered right away, he would be rained out of his Sukka!

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.[30]

Israel Issues 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"),[31] 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'. [32] 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'. [33]

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.[34]

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 Yechiel Michel Tukachinsky, Rav Shlomo Zalman Auerbach, the Minchas Yitzchak, the Shemiras Shabbos K'hilchasa, and Netei Gavriel[35] rule that a "Chutznik" should not eat in a Sukkah 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 Sukkah 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,[36] 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.[37] 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 afore-mentioned 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 conveys to us that "Banim Attem La'Hashem Elokeichem,"[38] Hashem considers us His children. Which Yom Tov can possibly 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!

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For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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http://ohr.edu/this_week/insights_into_halacha/.

[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 & 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 & Ch. 5:4).

[4] See Gemara (Beitzah 4b and Rosh Hashana 21a; and commentaries), Yerushalmi Rosh Hashana (Ch. 2, Halacha 1), Shu"t HaGaonim Lik (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 Saadia 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, pp. 83 & 241), Maharit 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 Yechiel Michel Tukachinsky's Ir Hakodesh V'Hamikdash (Vol. 3, Chapters 18 & 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 halbur' (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, Chapter 19, 1). [Interestingly, the Meiri (Beis HaBechira on Sanhedrin ad loc.) has a different Girsas 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'Minrag Avoseichem B'Ya'eichem".

[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, & 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'elas Yaavetz (vol. 1, 168), Minchas Chinuch (Parashas Emor, Mitzva 301, 1 s.v. v'hinei shittas and v'ode), Shu"t Tzafnas Pane'ach (vol. 1, 51; pg. 117), Chazon Ish (Orach Chaim / Moed 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, Hosafo's 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 pesuka 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, Chapter 19; at length), Chazon Ish (Orach Chaim / Moed 132, end 2), Shu"t Tzitz HaKodesh (vol. 1, 41 & 42), Shu"t Tzitz Eliezer (vol. 3, 23), Mikraei Kodesh (Pesach vol. 2, 57 & 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 (Miluim 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 Tisrei 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 zt"l, the exact date of Shavuos is always already set from the beginning of Nisan, as the pasuk states regarding Shavuos (Parashas Emor Ch. 23:21) that it is observed "b'etzem hayom hazeh".

[9] See Rava's statement (Beitzah 5b) regarding the aftermath of Rav Yochanon ben Zakka'i'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) vehemently disagree, discounting this logic, and maintaining that Rosh Hashana was always observed as one day in Eretz Yisrael. Yet, the Ramban (Milchemos Hashem ad loc. 2b s.v. v'od v'harav) and Rosh (Beitzah Ch. 1, 4) ardently defend the Rif's conclusion, and maintain that even in Eretz Yisrael Rosh Hashana is 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 & 24) and Sefer Hachinuch (Parashas Emor, Mitzva 301, end 2).

[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), Matteh Efraim (601, 12), Aruch Hashulchan (Orach Chaim 600, 1 & 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 Erubin) 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 & 131), Shalom Yehuda (vol. 1, Moed, 1), Ir Hakodesh V'Hamikdash (Vol. 3, Chapter 18), Kaf Hachaim (Orach Chaim 601, 5; who cites several Kabbalistic reasons) and Yom Tov Sheini K'Hilchaso (Miluim 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 Takana 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 Erubin) 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 poskim 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"a (ad loc. s.v. v'ain linhog), Chasam Sofer (Hagahos ad loc.), Chayei Adam (vol. 2, 145, 43), Matteh 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 Avoseinu 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 Hamaoads, 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, verse 27) states 'v'lo ya'avur', 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 Mafkir, 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" a Mizrachi, 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. ciltu 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 poskim 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), Matteh 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 Yeshiva (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 Habracha 13), Mishnah Berurah (Orach Chaim 668, 7 and Shaar Hatziyun 11 & 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 tziruf, 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 Yefei Nof (Orach Chaim 121), Shu"t Yismach Lev (Orach Chaim 15), Shu"t Mishnah Sachir (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 zt"l'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 Zolty's Shu"t Mishnas Yaavetz (vol. 1, O.C. 29, Kiddush B'Leil Chag Shavuos; he concludes that there is no din of Tosafes 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 and Shulchan Aruch (O.C. 668, 1).

[19] See Tur (Orach Chaim 668), Beis Yosef (ad loc.), Magen Avraham (ad loc. 2), Ba'er Heitiv (ad loc. 3), Shaarei Teshuva (ad loc. 3), Mishnah Berurah (ad loc. 6 & Shaar Hatziyun 4 - 8), and Kaf Hachaim (ad loc. 5) who cite these various minhagim.

[20] Maaseh Rav (222), Chayei Adam (vol. 2, 153, 5), Shaar HaTziyun (663, 4). This is also the mashmaos of the Beis Yosef (ad loc. s.v. v'ochlin), and Elyah Rabba (ad loc. 4), although strangely absent in the Shulchan Aruch, that poskim do not make a distinction between eating and sleeping in the Sukka on Shmini Atzeres.

[21] Including the Bikurei Yaakov (Orach Chaim 668, 4, citing proof from the Rashba and also mentioning that Rav Nosson Adler did so as well), the Divrei Malkiel (Shu"t vol. 1, 32), and the Ben Ish Chai (Year 1, Parashas V'Zos Habracha 13), who rule that one must also sleep in the Sukka on Shmini Atzeres.

[22] 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 Mahari'l (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'e vol. 2, 120), 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.

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

[24] 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.

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

[26] 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 mitzva, 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 Sukkah 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 include the Yosef Ometz (Minhag Frankfurt, 1058, who states that one has what to rely upon not to eat in the Sukka on Shmini Atzeres), Elef Hamagen (Orach Chaim 625, 42; although he rules that one should still eat in the Sukka), Sefer HaBesh"t (vol. 1, pg. 22), Katzev Hamatzev (Orach Chaim 625, 60), Shu"t Chedvas Yaakov (Tinyana, 127), Shu"t Bais Yisrael (Orach Chaim 107), Shu"t Chok Moshe (27), Shu"t Maharshag (vol. 1, 35), Rav Yitzchak Isaac Yechiel of Kamarna (in his Heichel Bracha al HaTorah commentary to Parashas Emor Ch. 23, verse 36, as well as Otzar Hachaim, Mitzva 326 and 456; cited in the beginning of sefer Heichel 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), Shu"t Divrei Yaakov (77), Shu"t Toras Yekusiel (Tinyana, 98), Minhagei Kamarna (Sukkos 513 & footnote ad loc.), and Shearim Metzuyanim B'Halacha (138, 3).

[27] 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 hamitzva.

[28] Korban Nesanel in his glosses to the Rosh (Sukka Ch. 4, 7), Midrash Tanchuma (Parashas Pinchas, 15).

[29] 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?!'

[30] 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.

[31] Shu"t Chacham Tzvi (167) and Shulchan Aruch Harav (Orach Chaim 496: 11; although he also cites that 'yesh cholkim', nonetheless, his 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 Telaita vol. 2: 28), and heavily implied by the Avnei Nezer (Shu"t Orach Chaim 242: 27 and 33; 539; 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 Safra'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 HaShichus 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 zt"l, was notteht to this shittah as well. However, since he did not want to argue on his Rabbeim, 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'oraysa on the second day, but also not doing the unique Yom Tov Mitzvos, i.e. making Kiddush etc. Rav Avraham Yitzchak HaKohen Kook zt"l (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 zt"l (as cited in Nefesh Harav pg. 84) were also known to be proponents of this shittah ..