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Weekly Halacha by Rabbi Doniel Neustadt Sukkos Issues

Question: Is there a halachic difficulty in using a succah with a metal frame? Discussion: Yes. Although it is permissible to use a metal frame to support the walls of a succah¹, placing sechach directly on the metal frame is problematic because we follow the opinion of some Rishonim who maintain that any object that directly supports the sechach must also be made from materials that are kosher for sechach². Since kosher sechach cannot be made from metal, l'chatchilah one may not place sechach directly on top of a metal-frame succah. B'diavad, however, such a succah is kosher. In a case where only a metal-frame succah is available, it is permitted to use this type of succah even l'chatchilah².

Question: May one use a metal-frame succah l'chatchilah if wood strips are placed over the metal frame and the sechach is placed on the wood? Discussion: Some poskim permit using a metal-frame succah if the sechach does not lie directly on the metal, since the sechach is no longer touching the metal and being supported by it, but rather by the wood which is directly under it⁴. Other poskim are hesitant about this leniency, since the sechach is really being supported by the metal frame, and the wood serves merely as a barrier between the frame and the sechach⁵. According to these poskim, the only way to use a metal-frame

succah is to use the wood strips in a way that they become the main support for the sechach. For example, by placing heavier wooden strips diagonally across the top of the frame and putting the sechach on top of the diagonal strips, the wooden strips become the support for the sechach rather than the metal frame⁶.

Question: Does it make any difference who puts the sechach on the succah? Discussion: The basic halachah permits any person—male or female, adult or minor, Jew or non-Jew—to put the sechach on the succah as long as it is placed either l'sheim mitzvas succah or l'sheim tzeil⁷. Nevertheless, l'chatchilah it is preferable to be stringent and allow only an adult Jewish male to place the sechach over the succah⁸.

Question: In the face of an approaching storm, is it permitted to nail or tie down the sechach to the walls or the frame of the succah?

Discussion: It is permitted to tie down the sechach to the walls or the frame of the succah with any string or rope that is available. Although l'chatchilah sechach supports must also be made from materials that are kosher for sechach, in this case the rope or string is not considered as support, since under normal weather conditions the sechach will remain intact without being tied down⁹. However, to nail the sechach down is not permitted. As explained earlier (5 Tishrei), a succah must be a temporary structure. When sechach is nailed down, especially if it is nailed down so well that it blocks the rain from entering the succah, the succah takes on the character of a permanent structure. Such a succah is not valid, even b'diavad¹⁰.

Question: When reciting Havdalah over wine or grape juice in the succah, does one recite leisheiv ba-succah? Discussion: The general rule is that leisheiv ba-succah is recited only before a kevius seudah, a sit-down meal consisting of at least a k'beitzah (approx. 2 fl. oz.) of either bread or cake. Sitting in the succah merely to drink wine or grape juice, even if the drinking takes place with an entire group and for a long period of time, is not considered a kevius seudah and a blessing is not recited¹¹. Some poskim rule, therefore, that leisheiv ba-succah is not recited over wine when it is drunk for Havdalah¹². Other poskim, however, make a distinction between drinking wine just for enjoyment and drinking wine in the performance of an important mitzvah such as Havdalah. In their opinion, the blessing of leisheiv ba-succah is recited when wine is drunk for Havdalah, since the mitzvah of Havdalah elevates the drinking and gives it the dignity of a kevius¹³. Although either opinion may be followed as there is no prevalent custom, those who want to avoid a potentially questionable situation should make sure to eat some bread or cake immediately after Havdalah, which allows them to recite leisheiv ba-succah according to all opinions¹⁴.

Question: If it rains during Chol ha-Moed, can one fulfill the mitzvah of succah by sitting in the succah underneath a hand-held umbrella? Discussion: Most poskim agree that it is permitted to do so, even if the umbrella is held at a height of over ten tefachim¹⁵. Sitting under a hand-held umbrella—as opposed to a patio umbrella which is built into and supported by a table—is still considered as if one is sitting directly under the sechach since a regular umbrella is not a stationary, fixed obstruction like a patio umbrella. An umbrella moves with every movement of the hand that is holding it and hence cannot be considered a real obstruction. Indeed, it is reported that the Brisker Rav sat under an umbrella in his succah¹⁶.

1. Care must be taken, however, that the canvass or other material be firmly attached to the frame so that the walls are sturdy enough not to flap around in a normal wind. 2. In addition to this opinion, there is another view which maintains that even an object that does not directly support the sechach, but supports the support of the sechach, must also be made from material which could be kosher sechach. Although Chazon Ish (O.C. 143:3) rules in accordance with this view, Shulchan Aruch O.C. 629:8 and the majority of the poskim do not accept this stringency, and the accepted custom is to be lenient; see Chelkas Yaakov 3:127, Minchas Shelomo 2:55 and Mo'adim u'Zemanim 1:82. 3. Mishnah Berurah 629:22; 630:58. See also Chazon Ish 143:3 and Minchas Yitzchak 4:45.

4. Based on Bikurei Yaakov 629:9; see Mikra'ei Kodesh, Succos 1:21.

5. This is unrelated to the minority opinion of the Chazon Ish mentioned in

note 45. In our scenario, according to these poskim, the metal frame is not a "support of a support"; there really is only one support of metal, and the wood is altogether unnecessary to support the sechach—it merely rests upon the metal, the support coming entirely from the metal underneath it. 6. Rav S.Z. Auerbach (Minchas Shelomo 2:55). See Mikra'ei Kodosh, *ibid.* 7. O.C. 635:1. See Avnei Nezer, O.C. 475. 8. Based on Mishnah Berurah 14:4 and 649:14. See Bikurei Yaakov 635:2 and Kaf ha-Chayim 8. 9. See Shevet ha-Levi 6:74 and B'tzeil ha-Chochmah 5:44. 10. Sha'ar ha-Tziyun 633:6 and Aruch ha-Shulchan 629:32. See also Ha-Elef Lecha Shelomo 366. 11. Mishnah Berurah 639:13. 12. Shevet ha-Levi 6:42. 13. Chazon Ish (quoted in Rivevos Efrayim 1:428; 3:424) and Luach Eretz Yisrael. See also Shevet ha-Levi 6:42. [Rav Y.S. Elyashiv (Succas Chayim, pg. 202) rules that this applies only to wine, not to grape juice.] 14. Rav Y. Y. Kanievsky (Orchos Rabbeinu, vol. 2, pg. 228); Rav S.Z. Auerbach (Shemiras Shabbos k'Hilchasah 58:22), who recommends reciting the leishiv ba-succah before borei peri ha-gafen; see Minchas Shelomo 2:58-35 and Ma'adanei Shelomo, pg. 70. 15. Rav S.Z. Auerbach (Halichos Shelomo 2:8-20). See also She'arim Metzuyanim b'Halachah 135:5 and Nefesh Chayah, O.C. 629. Rav Y.S. Elyashiv, however, disagrees and does not permit sitting underneath an umbrella in the succah (Succas Chayim, pg. 52). 16. Ha-Succah ha-Shalem, miluim, 13:4. Weekly-Halacha, Weekly Halacha, Copyright © 2010 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at dneustadt@cordetroit.com

From Yeshiva.org.il <subscribe@yeshiva.org.il> reply-To subscribe@yeshiva.org.il By Rabbi Yirmiyohu Kaganoff **The History and Halacha of Grafted Esrogim**
By Rabbi Yirmiyohu Kaganoff

Many people asked for a third sukkos article, so I am sending this one to the entire list, which is the easiest way for me to send it. By the way, Torah Temimah Publications will be publishing shortly about thirty of my articles in book form. The book, entitled From Buffalo Burgers to Monetary Mysteries should be available by Chanukah. The article below is one chapter of the book. I am sending this out with the publisher's permission.

Micha Moka, who is fairly new to observant Judaism, presents the following question: "This is the first time that I am purchasing my own esrog. I have been told that many esrogim may not be kosher because they, or their antecedents, were grafted onto other citrus trees. But, I don't understand what the problem is. When you graft a branch of one species onto another tree, the fruit that grows should be identical to any other fruit of the branch species."

Answer: In Parshas Emor, the Torah teaches, And on the first day you shall take for yourselves the fruit of a beautiful tree... and you shall rejoice with it before Hashem your G-d seven days.1 The Hebrew term used to describe the fruit is pri eitz hadar. The word hadar is used many times in Tanach to refer to the glory of Hashem Himself.2 The Ramban3 explains the word esrog to be the Aramaic translation of the Hebrew word hadar, both words meaning desired or beautiful. (The Modern Hebrew use of the word hadar to mean citrus has no basis in traditional Hebrew, but was borrowed from the pasuk. Unfortunately, as a result of this modern convention, Israelis often misunderstand the pasuk.)

How do we know that it is an esrog? The Written Torah does not provide any more details with which to identify this fruit, but the Oral Torah's mesorah from Sinai is that the Torah means the species that we call an esrog,4 which is called Citrus medica in scientific jargon, based on its extensive medical value. Certainly, the oral mesorah itself provides sufficient basis for us to know which species is pri eitz hadar, but in addition, Chazal infer hermeneutically from the pasuk three features that are unique to the esrog.5

Feature #1: Its Bark is as Good as its Bite (1) The bark tastes like the fruit. This means that the natural oils, flavinoids, and other chemical components that impart the unique fragrance and flavor of an esrog exist in sufficient quantity in the bark such that it bears the smell and "taste"

of the fruit. Some early authorities note that this factor seems common to all citrus and not unique to the esrog.6 Other citrus fruits also bear their unique components in their leaves, peels, and bark such that one can identify the leaf or bark of a lemon or orange tree by its aroma. However, the Kapos Temarim7 explains that an esrog is unique in that the taste of "its fruit and bark are equal." The esrog is unique in that it has little or no pulp, unlike other edible citrus fruits. Therefore, the main part of the esrog is its "rind," which bears a much closer flavor to its bark than does the pulp of any other fruit.8 Feature #2: The Fruit Remains on the Tree (2) Much of this year's unpicked crop of esrogim will remain on the tree until the next year's crop is growing, and sometimes, this fruit remains on the tree for as long as two or more years. As a general rule, non-citrus trees drop their fruit at the end of the season. Most other citrus also drop their fruit when overripe, although some individual fruits still remain on the tree. Esrog does indeed remain longer on the tree than any other citrus, and although some fruit falls off, an impressive percentage remains on the tree, sometimes for as long as two years.9 Feature #3: Water, Water Everywhere (3) An esrog requires year-round irrigation to produce sizable fruit. At the time I am writing this article, I have been unable to discover any unique feature of esrogim differentiating them from other types of citrus, all of which require year-round irrigation to produce large fruit. Notwithstanding this description, a fruit still may have all these three features and still not be considered an esrog according to most authorities. We will soon see why.

Grafting Common production of citrus is to graft the branches of the desired variety of fruit onto rootstocks that allow a greater yield, are more resistant to disease, and provide other commercial value. It is prohibited for a Jew to graft one species onto another stock, and it is a dispute among halachic authorities whether a gentile may or may not. (A number of years ago, I wrote an article on the subject of whether a gentile may graft and/or own grafted fruit trees.10) Most authorities understand that different varieties of citrus are halachically considered different species concerning the prohibition of grafting fruits (however, see Chazon Ish11 who conjectures whether the similar characteristics of citrus might allow them to be considered one species, in regard to the prohibition of grafting.)

May one use a Grafted Esrog? When one grafts the fruit of one species onto the rootstock of another, the fruit will grow according to the species of the scion branch, an observable phenomenon noted already by Rashi.12 Our question: is the fruit of an esrog branch grafted onto a lemon stock halachically an esrog? Are there any other halachic concerns because it grew on a non-esrog stock?

Graft in Sixteenth Century Poland The earliest responsum on the subject that I discovered is authored by the Rama, who probably never saw an esrog tree in his life. Citrus trees are not generally frost-hardy, and therefore grow in warmer areas than Poland, where the Rama lived his entire life. When reading his responsum on the matter, we should bear in mind the difficulty of obtaining esrogim for Sukkos in his place and era. Rama writes very tersely that the fruit of a graft is not called an esrog, nor is it called the fruit of a hadar tree. The Rama notes that although there were earlier scholars who recited a beracha on grafted esrogim when they had no others available, we should not rely on this when we have access to non-grafted esrogim.13 (For the balance of this chapter, when I refer to "grafted esrogim," I mean esrogim grafted onto a rootstock of a non-esrog species. All authorities allow use of a fruit grown on an esrog branch grafted onto another esrog tree.14)

A Ransomed Esrog A contemporary and second cousin of the Rama, Rav Shmuel Yehuda Katzenellenbogen, the rav of Venice from 5326-5357 (1566-1597), was asked whether one may use an esrog grafted onto a lemon tree, and responded that every child knows that these esrogim may not be used. Rav Katzenellenbogen writes that he heard from his father, Rav Meir Katzenellenbogen, the famed Maharam Padua (named

for the city he served as rav for many decades), a fascinating anecdote: One year, the entire community of Padua was able to acquire only one non-grafted esrog for Sukkos, which had to service all the different congregations of the city, although grafted esrog trees were apparently very popular decorative trees there and were readily available in the houses of the gentry. When the esrog was sent from one congregation to another, it was stolen by rowdy gentile students, who held the esrog for ransom. The community needed to redeem the kidnapped esrog for a considerable amount of money, which they did in order to fulfill the mitzvah, notwithstanding the fact that they had ready access to a large supply of very inexpensive, locally grown, grafted esrogim. Thus, the community purchased a non-grafted esrog twice in order to fulfill the mitzvah! (Two curious side points about Rav Shmuel Yehuda Katzenellenbogen: the first is that we do not have an extant edition of his responsa. This particular undated responsum is published in the Shu't Rama.¹⁵ The second is that he is often called the Mahari Padua, meaning Rav Yehudah, who had been born in Padua, to distinguish him from his father.)

Graft in the Holy Land! A third responsum from the same era deals with the identical issue in Eretz Yisrael. Prior to Sukkos of 5346 (1585), in Tzfas, the Alshich was asked about using a grafted esrog. He relates that one local rav wanted to permit use of this esrog, notwithstanding the fact that all the other authorities prohibited use of grafted esrogim for Sukkos. The rabbonim of Tzfas were concerned that the lenient opinion of this individual rabbi would be accepted against the consensus. This rav contended that the nourishment drawn from the lemon stock was already nullified in the esrog branch, and the fruit is therefore considered to be completely esrog. In his discussion on the subject, the Alshich demonstrates, from the laws of orlah, that we consider the branch to be nullified to the stock and not the other way around, since a young branch grafted onto a stock more than three years old is not subject to the laws of orlah, whereas an older branch grafted onto a young stock is. Furthermore, the Alshich contends that even if the esrog was not nullified to the lemon as the laws of orlah imply, the resultant fruit should be considered a blend of both species and not purely esrog. Therefore, even if the fruit is considered an esrog, it is an incomplete esrog, and therefore invalid, because it has some lemon content.¹⁶

A Different Graft Problem A disciple of the Rama, Rav Mordechai Yaffe, often called the Levush because of the titles of his published works, contended that a grafted esrog may not be used for Sukkos for a different reason: since the Torah disapproves of grafting, one may not fulfill mitzvos with grafted products, just as a crossbred animal may not be used for a korban.¹⁷ (By the way, both a fruit grafted from two kosher species and an animal crossbred from two kosher species are kosher – for eating purposes.) Not all authorities agreed with the Levush in this argument. The Taz questions whether this principle of the Levush is accurate, rallying sources that the fact that something sinful had previously been performed with an item does not automatically invalidate it for mitzvah use. The Taz still concludes that one should not use a grafted esrog because of a different reason, one of those that the Alshich had mentioned: that a grafted esrog should be considered incomplete because of the admixture of other species. However, the Taz notes that a halachic difference results between his reason and that of the Levush, since the halacha is that a damaged or incomplete esrog (called an esrog chaseir) may be used to fulfill the mitzvah after the first day of Sukkos. Since, in his opinion, the shortcoming of a grafted esrog is its incompleteness as an esrog, one could use it after the first day of Sukkos. The Taz then notes that perhaps an esrog from a grafted branch or tree is worse than an incomplete esrog, in that it is considered qualitatively to be only partly esrog, and that one should avoid using it under any circumstances, so that people not err and think that it is a kosher esrog.

Can one identify a Grafted Esrog? The vast majority of halachic authorities concluded that one does not fulfill the mitzvah with a grafted

esrog.¹⁸ A later debate focused on whether the fruit of a tree planted from the seed of a grafted esrog is also invalid, with the Beis Efrayim¹⁹ contending that these esrogim are kosher, and other authorities disputing its kashrus. This led to a new debate. If the tree grown from a grafted esrog is no longer considered an esrog tree (for the purposes of fulfilling the mitzvah), how can one ever know that the esrog he wants to use is kosher? This led to a dispute in the early nineteenth century, which I will refer to as the machlokes between those accepting esrogim on the basis of simanim, versus those accepting them on the basis of mesorah. The Beis Efrayim ruled that one may use an esrog if it has the physical characteristics, the simanim, of a non-grafted esrog. His contemporary, the Chasam Sofer, disputed this, and ruled that just as we no longer rely on simanim to decide which birds we treat as kosher, but rely exclusively on a mesorah to determine the kashrus of a bird, so too, we can use esrogim only from places where we have a mesorah that they are kosher.

What are the characteristics that distinguish between a grafted and non-grafted esrog? In the above quoted responsum of the Mahari Padua, he writes that one can identify whether an esrog was grown on a branch grafted onto another tree by three characteristics: (1) Smooth Skinned The skin of a grafted esrog is smooth, more like a lemon, whereas a pure esrog has a bumpy surface. (2) Outward Stemmed The stem (the ukatz) of a grafted esrog looks like a lemon's stem, which sticks up from the bottom of the lemon, instead of being imbedded inward like that of an esrog. (3) Fruity and Thin Skinned A grafted esrog has a lot of edible fruit and juice in it and a thin peel, whereas a pure esrog has a thick peel and little juicy flesh. (4) Disoriented Seeds Some later authorities noted another distinction between a regular esrog and a grafted one. In a regular esrog, the seeds grow in the same direction as the length of the fruit, whereas grafted esrogim often have their seeds growing like a lemon's, in the same direction as the width of the fruit. Other authorities disputed whether this demonstrates that the esrog has been grafted.²⁰

Does Grafting Affect the Fruit? Micha had noted correctly that when you graft a branch of one species onto the stock of another, the fruit that grows is from the scion branch and not from the species of the stock. However, for reasons not fully understood by contemporary scientists, there are significant modifications to the fruit that develop when it does not grow on its own natural stock. From a commercial perspective, these modifications are desirable, for they make the fruit more disease resistant and provide other qualities. However, in the case of an esrog, this creates halachic concerns. Let us note that today there are several different types of esrog that have mesorah that they are not grafted. Aside from the conventional European or Israeli esrog that most of us are used to, there are also the Moroccan esrog and the Yemenite esrog, notwithstanding the fact that on both the inside and outside these esrogim are definitely distinguishable from the European or Israeli esrogim that Ashkenazim are accustomed to. Research teams from the University of Catania, Italy, and Hebrew University jointly studied twelve varieties of esrog, including the standard Moroccan, Yemenite, Italian, Chazon Ish, and other varieties, to see whether they were indeed consistently one species, or whether the DNA indicated that they were of different species and origins. The study concluded that all twelve varieties are in fact esrogim, and indeed are genetically separable from other citrus fruits, including the lemon, which appears most similar to the esrog. To quote the study: "The results obtained are very clear and might be regarded as somewhat surprising. Notwithstanding diverse geographical origin and the considerable morphological variation, especially in fruit size and shape, presence of pulp and persistence of style, all the citron types examined revealed a high degree of similarity. There was no sign of introgression of lemon or other citrus genomes into any of the citrons examined."²¹ We should note, that even though genetically all the varieties tested are indeed esrogim, we cannot rely on genetic testing to prove the authenticity of a particular esrog, since, if it was grafted onto

non-esrog stock, it would be invalid for use for Sukkos, according to most authorities. In addition, the decision as to whether one may plant his fruit or stock and use future generations of this esrog is dependent on the above-quoted dispute between those who follow mesorah and those who follow simanim.

Contemporary Esrogim Two generations ago, many, if not most, esrog trees in Eretz Yisrael were grafted onto the stock of a variety of orange tree called the chushchash, which bears a fruit that is non-edible raw. The farmers of the era claim to being told that since the chushchash is not edible, using it as a stock for the esrog is permitted and would not invalidate the fruit, a position that is difficult to sustain and has been rejected by subsequent authorities. A result of this is that the Chazon Ish, and many other authorities had difficulty finding esrogim in Eretz Yisrael, and the Chazon Ish chose the tree for his esrog very carefully. One year he entrusted a seed from that esrog to Rav Michel Yehudah Lefkowitz zt"l to plant. Rav Michel Yehudah protested that he had no experience in horticulture and esrogim require considerable knowledge to grow properly. The Chazon Ish told him, "Just plant this seed and make sure to water it regularly, and you will have plenty of esrogim to sell." Rav Michel Yehudah did as he was told, surprised at the instructions, notwithstanding his lack of experience. His tree grew, and for over seventy years produced gorgeous esrogim without any efforts on his part. This itself can be considered a miracle, for two different reasons: (1) Esrogim do not usually grow nicely on the tree without considerable work. (2) Esrog trees do not live this long. Many of the "Chazon Ish" pardesim now so popular were begun with trimmings of branches taken from Rav Michel Yehudah's tree. This past Nissan, this esrog tree was indeed still covered with beautiful blossoms, indicative of another beautiful crop. The tree was in excellent shape, notwithstanding that the Chazon Ish is gone almost sixty years and the tree is over seventy years old. Its regular customers were looking forward to selecting esrogim from this ancient tree. As our readers know, Rav Michel Yehudah passed away a few months ago at the age of 97. Although the same people are still watering the tree, the tree began to wither and completely stopped producing fruit in midseason, and is suddenly showing signs of severe aging. Certainly a miraculous sign, but the phenomenon can be readily explained. When Rav Michel Yehudah protested that he knew nothing of esrog horticulture, the Chazon Ish promised him that he need only water the tree and it would produce fruit. As long as Rav Michel Yehudah was alive, the beracha of the Chazon Ish was fulfilled, and we have a rule, tzadik gozeir, Hakadosh Baruch Hu mekayeim, If a righteous person decrees something, Hashem fulfills it.²² As long as Rav Michel Yehudah was alive, the beracha of the Chazon Ish had to be fulfilled, despite the long odds against it. Once Rav Michel Yehudah passed on, the decree of the Chazon Ish no longer had to be fulfilled, and the tree no longer lived. The author acknowledges the assistance of Dr. Joshua Klein, senior scientist at the Volcani Center, Israel Ministry of Agriculture for technical information in this article.

1. 1 Vayikra 23:40 2. 2 See, for example, Tehillim 96:6; 104:1 3. 3 Vayikra 23:40 4. 4 Rambam, introduction to Peirush Hamishnayos 5. 5 Sukkah 35a 6. 6 Shu't Rama #117 7. 7 Sukkah 35a 8. 8 Quoted by Shu't Chasam Sofer, Orach Chayim #207 9. 9 Note that the Kappos Temarim, Sukkah 35a, explains the difference between esrog and other citrus slightly differently. 10. 10 This article may be located at rabbikaganoff.com 11. 11 Kelayim 2:15; 3:7 12. 12 Sotah 43b 13. 13 Shu't Rama #117 14. 14 Shu't Bach #135; Mishnah Berurah 648:65 15. 15 #126:2 16. 16 Shu't Maharam Alshich #110 17. 17 Orach Chayim 649:4 18. 18 One authority that permitted its use is the Shu't Panim Meiros, Volume II #173. 19. 19 Shu't Orach Chayim #56 20. 20 Bikkurei Yaakov 648:53 21. 21

Proceedings of the International Society of Citriculture, December, '00 22. 22 See Moed Katan 16b

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Rare Esrogim and the Shaylos that Result By Rabbi Yirmiyohu Kaganoff

There are so many things that we take for granted! For example, as Sukkos approaches, we fully expect to have plenty of esrogim to choose from, and to buy an esrog for every adult male member of our household. Even people so deep in debt that they are forbidden to purchase an esrog (because they are required to keep their expenditures to a minimum, so that they can pay back their debt as quickly as possible), wrongly assume that they "must" purchase an esrog for each bar mitzvah bachur in the family. While I am not discouraging buying everyone his own esrog, we should realize that this is unnecessary. Poskim dispute whether one is required to purchase an esrog for a child under bar mitzvah (who will not be able to pass it on to his siblings with a proper kinyan), and most poskim contend that even this is not required. However, I digress. This article is about a series of shaylos asked not that long ago, when esrogim were rare and a town was fortunate to receive one kosher esrog for Sukkos. In a teshuvah written sometime in the mid-1890's, one of the Lithuanian gedolim, HaRav Avrohom Dovid Rabinowitz Teumim (known as "the Aderes") wrote a shaylah to the posek hador of the Chassidim, Rav Shalom Mordechai Shvadron, the Maharsham, who was the rav of Brezan in Galicia. (The Maharsham was the grandfather and namesake of Rav Shalom Shvadron, the late Maggid of Yerushalayim. Rav Shalom Shvadron's father, Rav Yitzchak, who moved to Eretz Yisroel as a young man, was a gaon in his own right and the author of a commentary on the Tosefta to Shvi'is.) Although the Aderes later became the Rav of Yerushalayim, he wrote this shaylah when he was still the Rav of Mir, which was then under the yoke of Czarist Russia. This correspondence crossed international boundaries, since Galicia was part of the Austro-Hungarian Hapsburg Empire. (Before the Russian Revolution, Mir was located in Russia, during the period between the two World Wars it was in Poland, and it is now located in Belarus. Jews always considered its region Lithuania, as does the Maharsham in his response to the Aderes. Thus, its residents were wandering Jews without ever leaving home!) The correspondence was probably in 5635\1894, because the Aderes became rav of Mir in 5634\1893, and presumably became aware of these questions at that time and sent them to the Maharsham shortly afterwards. The Aderes remained rav of Mir until 5641\1901, when he left for Yerushalayim. The Aderes faced the following halachic problems. Mir had grown considerably and its hundreds of baalei batim in their many shullen wanted to recite a bracha on the lulav and esrog. However, so few sets were available that several shullen or batei medrash would group together to communally purchase just one set of arba'ah minim for all their collective members. Then the shullen would stagger their davening schedules to make the set available to everyone during davening. This resulted in some interesting shaylos. To facilitate everyone's being able to bensch esrog, some shullen davened before sunrise on Yom Tov morning, in order to be the first to recite a bracha on the lulav and esrog. (Such minyanim are jokingly known as "Terach's minyanim," because whereas Avraham performed mitzvos at the first available opportunity, these early birds performed them even earlier than Avraham would have, back to the era of his father Terach.) The Aderes asked the Maharsham whether these Terach's minyanim could continue their practice of davening, reciting the bracha on the lulav and esrog (each member of the minyan), and then reciting Hallel – all before sunrise. (By the way, none of the correspondents I read discussed how these shullen performed the mitzvah of na'anuim, shaking the lulav and esrog during Hallel. Presumably, the lulav and

esrog were passed around so that each individual could shake it while saying the appropriate parts of the Hallel, Hodu and Ana Hashem hoshiya na, but that would mean that they did not recite these parts of Hallel in unison. Alternatively, only the chazzan performed na'anunim while the rest of the congregation observed.) Although davening before sunrise is not permitted lechatchilah, one may do so under extenuating circumstances. May one daven early to guarantee everyone the opportunity to recite a bracha on the lulav and esrog? The Aderes was inclined to permit these minyanim to continue davening before sunrise for the following reasons: The Mishnah (Megillah 20a) rules that, although one may not read the Megillah or perform a bris milah before sunrise, someone who performed these mitzvos after halachic dawn (Amud Hashachar) has fulfilled his obligation. And, under extenuating circumstances, one may even fulfill these mitzvos lechatchilah before sunrise, provided it is after halachic dawn. Thus, it would seem that the need to allow everyone to take lulav and esrog in a timely fashion would permit the Terach's minyanim to begin davening as early as they did. The Aderes suggests an additional reason to permit davening before sunrise: Halachic day actually begins at Amud Hashachar (when the eastern horizon is lit), which is considerably earlier than sunrise; therefore all daytime mitzvos should technically be permitted from halachic dawn. However, the rabbis banned this, because of concern that someone might perform these mitzvos too early (before Amud Hashachar) and thus not fulfill them at all. The Aderes suggested that this concern no longer exists nowadays when people have clocks, because there is less likelihood that they will err and attempt to perform mitzvos too early. The Aderes sent this inquiry to the Maharsham, who was known for his lenient rulings. Nevertheless, the Maharsham (Shu't Maharsham Volume I #1) prohibited the Terach's minyanim from davening so early for the following reason: The Maharsham pointed out that these minyanim would be reciting Hallel before sunrise. Although under extenuating circumstances one may daven Shacharis before sunrise, the Maharsham ruled that this leniency does not apply to Hallel, because the Gemara (Megillah 20b) quotes a Biblical source that implies that Hallel can be recited only after sunrise: During Hallel we state, Mimizrach Shemesh ad mevo'oa, mehulal shem Hashem, from the rise of the sun until its setting, Hashem's name should be praised. This implies that one may recite Hallel, the praise of Hashem, only after the rise of the sun, and no earlier. Based on this Gemara, the Maharsham concludes that Hallel is halachically different from other daytime mitzvos, and that reciting Hallel before sunrise does not fulfill the mitzvah at all. The Aderes posed a second shaylah to the Maharsham: Other minyanim finished Shacharis and then awaited the arrival of the precious lulav and esrog before beginning Hallel, in order to shake the four minim during the Hallel. The Aderes had two concerns about this practice: (1) That the wait caused a delay between Shmoneh Esrei and the full kaddish recited after Hallel, which includes the words Tiskabeil tzelos'hon, Accept our prayers, that refer to the Shmoneh Esrei. Should we avoid delaying between Shmoneh Esrei and kaddish? (2) The Aderes was concerned that the members of the shul would talk, which halacha forbids, while awaiting the arrival of the arba'ah minim. To resolve these two concerns, the Aderes wanted to introduce a new practice: These minyanim should recite the full kaddish before Hallel immediately after the repetition of Shmoneh Esrei, and when the esrog arrived they would recite Hallel, and then say half-kaddish after Hallel. The Aderes felt that this would eliminate both the delay before the kaddish had been recited and mitigate the halachic problem of talking before kaddish was recited.

The Aderes then suggested a different and more radical change in the order of davening. Immediately following shacharis, these minyanim should recite full kaddish, take out the sefer torah and read it, then recite musaf, and delay reciting Hallel until the lulav and esrog arrived by reciting Hallel after musaf. This would avoid the problem of people

talking between shacharis and Hallel, and would also enable these shullen to finish davening earlier on Yom Tov. This last concern was not only a practical consideration but also a halachic one, since one should try to end Yom Tov davening early in order to allow more time for simchas Yom Tov. (Chazzonim, please take note!) The Maharsham disapproved of both of the Aderes's suggestions. First, he contended that one may not introduce a different part of davening between Shmoneh Esrei of shacharis and Hallel. He also contended that Hallel is part of the tefillah and that shacharis is not complete until the recital of Hallel. The Maharsham compares interrupting between shacharis and Hallel to interrupting before one has heard all the shofar soundings or completed searching for his chometz, both of which are prohibited according to halacha. He concludes that since Hallel is part of shacharis, the full kaddish may not be recited until Hallel is complete. The Maharsham's source for considering Hallel part of shacharis is intriguing. He reports that in his text of Tosefta (Menachos 6:6) it states that "Hallel and prayer are me'akaiv one another," meaning that one cannot fulfill these two mitzvos independently of one another. The Maharsham reasons that Hallel must thereby be considered part of the mitzvah of davening, and therefore, there can be no interruption between them. Furthermore, since Hallel is part of shacharis, the supplication in the full kaddish to "accept our prayers" also refers to Hallel and must therefore follow Hallel – whereas the Aderes's suggestions would make this kaddish precede Hallel. As a result, the Maharsham ruled that one may not recite full kaddish before completing Hallel. However, the Maharsham did rule leniently on one issue – he contended that only the chazzan is prohibited from talking between the completion of Shmoneh Esrei and reciting the kaddish, noting that on a regular weekday the chazzan is prohibited from conversing from his completion of Shmoneh Esrei until he recites the full kaddish, even though the kaddish is not recited until after keriyas hatorah and the reciting of ashrei, lam'natzayach, and uva l'tziyon. The Maharsham mentions that he wrote this responsum without having access to any commentaries on the Tosefta in question. This is significant, because our commentaries on the Tosefta cite a different text than that quoted by the Maharsham, which reads, Praise (rather than Hallel) and tefillah are me'akaiv one another. (Note that the printed text of the Tosefta is not necessarily correct and that the commentaries often attempt to clarify what the correct version is.) According to this reading, the Tosefta probably means that the beginning of any prayer must be praise and only then may it be followed by supplication, a very important halacha in the laws of tefillah (Mitzpeh Shmuel), which the Rambam records in Hilchos Tefillah 1:2. According to this reading of the Tosefta, it has nothing to do with Hallel and our shaylah. Let us return to the correspondence between the Aderes and the Maharsham. The Aderes proposed another possibility: that the shullen make kiddush and have something to eat before Hallel. The Maharsham disputed the legitimacy of this heter also, ruling that since Hallel is part of davening, one may not eat before Hallel just as one may not eat before tefillah. There is also a halachic issue with reciting kiddush and eating before fulfilling the mitzvah of holding the four minim or before davening musaf. Another suggestion that both the Aderes and the Maharsham discuss and reject is to recite Hallel twice, once immediately following shacharis so that there is no interruption, and then a second time (presumably without a bracha) so that the congregants could then shake the lulav and esrog during Hallel. This suggestion, which may sound very strange to us, actually has a very reputable earlier source to which they both refer. A generation or two before their time, when communities were faced with the same lack of lulavim and esrogim, we find the following responsum in Shu't Sho'el Umeishiv (3:1:120), authored by HaRav Yosef Shaul Natanzon, the Rav of Lvov (Lemberg) and the posek hador of his time in Galicia. (Lvov, which spent most of its history as part of either Poland or Austria-Hungary, became part of the Soviet Union after World War II, is today known as Lviv and is located in the western part of the Ukraine.)

Because of the difficulties involved in reciting the brachos over the lulav and esrog before Hallel, while at the same time wanting to celebrate Yom Tov properly, many had the practice of davening shacharis very early, including Hallel, without the arba'ah minim (that were still being used in other shullen) and then going home to eat the Yom Tov meal. After the seudah, these people would return to shul and recite Hallel with a later minyan, this time fulfilling the mitzvah of arba'ah minim while reciting Hallel. Although the Sho'el Umeishiv quotes sources that disapprove of reciting Hallel twice in this way, he seems to have no difficulty with this part of the practice. What he does object to is their eating their Yom Tov meal before davening musaf. Nevertheless, it is probably permitted to eat a snack, but not a meal, before reciting Hallel or shaking the four minim. For our purposes, a snack means eating a kebeitzah (the size of an egg), or less, of bread, whereas one may eat as much fruit, vegetable, and shehakol items as one wants. Rice, for these purposes, is like a vegetable. Thus, one could eat a filling snack of rice, potatoes, and meat before reciting Hallel without violating this halacha. The Sho'el Umeishiv's concern was that these people ate a full Yom Tov seudah before davening musaf, which is not halachically permitted. In the final analysis, the Maharsham did not approve any of the Aderes's suggestions to change the procedures, and also did not approve the practice of the Terach's minyanim to daven very early. This is how communities were forced to fulfill the mitzvos of Hallel, arba'ah minim, tefillah, and simchas Yom Tov as best as they could under less than ideal circumstances. When we look around the shul nowadays, seeing everyone holding his own set of arba'ah minim, we should sing praises to Hashem for helping us fulfill these mitzvos so easily.

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subscribe@yeshiva.org.il By Rabbi Yirm

The Ins and Outs of Sukkah Observance Or Attending the Ailing and the Uncomfortable

By Rabbi Yirmiyohu Kaganoff

Question #1: I am a medical resident who must be on hospital duty during Sukkos. May I eat full meals outside the sukkah, or must I restrict myself to eating snacks that do not require being in the sukkah? If I am able to eat in the sukkah while on duty, do I recite the bracha of leisheiv basukkah. Question #2: Our family has a rotation system so that someone is always with Bubbie. Should we have only female members with her during Sukkos, so that the men can be in the sukkah? Question #3: Zeidie is aging, and getting him to the sukkah is increasingly difficult. Is he required to eat his meals there on Sukkos? Assuming that he may eat indoors, must he eat in the sukkah on the first night of Yom Tov?

PROPERLY FULFILLING MITZVAS SUKKAH The proper observance of the mitzvah of sukkah is to treat the sukkah as one's home for the entire seven days of Sukkos (Mishnah and Gemara Sukkah 28b). A person should not only eat all his meals in the sukkah, but he should sleep, relax, and entertain company 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 Rama 639:2), one should still arrange that he spend most of the day in the sukkah. On the other hand, the mitzvah of sukkah is more lenient than other mitzvos of the Torah. For example, a mitzta'er, someone for whom being in the sukkah causes discomfort, is exempt from being in the sukkah (Sukkah 26a), as is someone ill (choleh) and his attendants (Mishnah Sukkah 25a). Thus, an aging Zeidie is probably exempt from sukkah, the same as someone who is ill.

WHY IS MITZTA'ER ABSOLVED FROM SUKKAH? In commanding us concerning the mitzvah of sukkah, the Torah instructs: "You shall dwell (teishvu) in the Sukkah for seven days." The Torah

could just as easily have instructed "You shall be (tihyu) in the sukkah for seven days." Either term teishvu (dwell) or tihyu (be) implies that a person should use his sukkah as his primary residence through the Yom Tov. Why, then, did the Torah use the word teishvu, dwell, rather than the word tihyu, be? The word teishvu implies that one is not required to use the sukkah in circumstances that one would not use one's house the rest of the year (Tosafos Yom Tov, Sukkah 2:4). For example, a person whose house is very cold will relocate temporarily to a warmer dwelling; if bees infest someone's house, he will find alternative accommodations; if the roof leaks, one will find a dry location until it is repaired. Just as one evacuates one's house when uncomfortable, so may one relocate from one's sukkah when uncomfortable.

WHY IS AN ILL PERSON EXEMPT FROM SUKKAH? According to most poskim, illness does not excuse someone from observing a mitzvah unless it is potentially life-threatening (see Shu't Rashba #238 and Shulchan Aruch Orach Chayim 472:10, based on Nedarim 49b). Moderate illness exempts one only from the mitzvah of sukkah, but not other mitzvos. Why is someone ill exempt from the mitzvah of sukkah?

The poskim suggest several reasons why an ill person is exempt from mitzvas sukkah. I will present three approaches, and, later in the article, some halachic differences that result: I. Oseik bemitzvah patur min hamitzvah -- Preoccupation with one mitzvah exempts one from performing a different mitzvah. Some contend that since halacha requires an ill person to devote himself to getting well, observing mitzvas sukkah conflicts with his need to take care of his health (Besamim Rosh #94). Thus, the principle of oseik bemitzvah patur min hamitzvah exempts the ill from being in the sukkah. If this is the correct reason why the halacha exempts someone ill from sukkah, there will be both lenient and stringent consequences. According to this reason, an ill person is exempt from mitzvas sukkah only when it conflicts with his medical needs, but not otherwise. On the other hand, this approach contends that an ill person is exempt from all positive mitzvos, such as eating matzoh or marror on Pesach, whenever fulfilling the mitzvah conflicts with his medical needs, even if they are certainly not life threatening (Binyan Shelomoh #47).

II. Mitzvos tzrichos kavanah -- Observing mitzvos necessitates cognizance. Other authorities exempt an ill person from mitzvas sukkah for a different reason: One fulfills a mitzvah only when one focuses on performing the mitzvah. This concept is called mitzvos tzrichos kavanah, fulfilling a mitzvah requires cognizance that one is executing one's obligation; without this awareness, one has not fulfilled his requirement to observe the mitzvah. Based on this background, the Taz (640:8) explains that since someone ill cannot focus on the fact that he is fulfilling mitzvas sukkah, it is impossible for him to observe the mitzvah. According to this approach, a sick person is exempt from sukkah even if his illness does not make it any physically harder to observe the mitzvah (Mikra'ei Kodesh 1:35). III. Teishvu ke'ein taduru -- You should dwell in the sukkah the same way one dwells at home. Many authorities contend that an ill person is exempt from mitzvas sukkah because of teishvu ke'ein taduru (Ritva, Sukkah 26a s.v. Pirtzah; Bartenura, Sukkah 2:4; Aruch Laneir, Sukkah 26a; Mishnah Berurah 640:6, quoting Rabbeinu Manoach). Since an ill person will relocate from his home to more appropriate accommodations, he may similarly abandon his sukkah for a more comfortable place (Mishnah Berurah 640:6).

ATTENDANTS Thus far we have learned that two categories of people are exempt from sukkah (1) the ill and (2) someone suffering discomfort (mitzta'er). Although both these people are exempt from living in the sukkah, there is a major halachic distinction between them. The Mishnah (Sukkah 25a) teaches that not only is a sick person exempt from mitzvas sukkah, but even those taking care of him are also exempt. However, someone assisting a person who is mitzta'er is required to fulfill the mitzvah. Thus, if a prominent person who always has people attending to him finds the sukkah too cold, he may complete his meal in

the house, but those taking care of him must remain in the sukkah, if they themselves are not suffering. Therefore, regarding the question asked above whether family members attending an elderly grandparent are excused from sukkah depends on whether the elderly person is considered ill, in which case the attendant is absolved from sukkah, or whether it is simply respectful that he or she not be left alone, in which case the male attendant must eat his meals in the sukkah.

WHY IS THERE A DIFFERENCE? The question is: If the Torah absolved both an ill person and a suffering person from mitzvas sukkah, why is one aiding the sufferer required to observe the mitzvah while one assisting the ill is exempt? (Aruch Laneir, Sukkah 26a). I have found two disputing approaches to explain this phenomenon, and their disagreement hinges on a question that we must first discuss: Why is someone taking care of the ill exempt from mitzvas sukkah? The authorities present two approaches to explain this phenomenon. A. Teishvu ke'ein taduru – Dwell in the sukkah as you do in your home. Some exempt the attendant from sukkah because of the law of teishvu ke'ein taduru -someone attending the ill does not pay attention to whether he remains in his own home or not. If he needs to attend to the ill, he leaves his house to attend to them. Therefore, since the Torah instructs us to treat the sukkah as we would our home and he leaves his home to attend the ill, he may leave his sukkah for the same purpose.

However, someone attending to a suffering person does not change all his living arrangements to attend to the sufferer's needs. Just as he limits how much time he spends away from his home to attend to the sufferer's needs and then returns home, so he may not absolve himself from the mitzvah of sukkah (Aruch Laneir, Sukkah 26a). B. Oseik bemitzvah patur min hamitzvah – Preoccupation with one mitzvah preempts observing a different mitzvah. Other poskim exempt attendants to the ill from sukkah because of oseik bemitzvah patur min hamitzvah, someone busy fulfilling one mitzvah is absolved from a different mitzvah. According to this approach, since attending the ill fulfills the mitzvah of bikur cholim, caring for the needs of the ill, performing this mitzvah exempts him from sukkah. However, one is not required to attend to the needs of someone who is mitzta'er, and therefore his attendant is obligated to remain in the sukkah (Levush, Orach Chayim 640). Does any halachic difference result from this dispute? Perhaps. The Shulchan Aruch (640:3) rules that an attendant is exempt from eating in the sukkah only when the ill person needs him, but must return to the sukkah when his services are unnecessary. According to the approach of oseik bemitzvah patur min hamitzvah, this decision is highly comprehensible, since one is no longer oseik bemitzvah when he stops performing the mitzvah. However, if the attendant is exempt because of teishvu ke'ein taduru, it is difficult to explain why an attendant who is temporarily not needed must immediately return to the sukkah. Someone who is sleeping or eating indoors to escape rain is not required to reenter the sukkah immediately when the rain stops, but may finish his meal or night's sleep indoors (Gemara Sukkah 29a; Shulchan Aruch 639:6, 7). This is because a person who leaves his house because its roof leaks does not return in mid-meal or in the middle of the night when the roof repair is complete; he waits to complete his meal or his sleep until morning before returning home. Thus, the exemption of teishvu ke'ein taduru allows one to complete the meal or night's sleep outside the sukkah. By this logic, someone attending to the ill outside the sukkah should be absolved from the mitzvah of sukkah, even when the ill person does not need him, until he completes what he is doing. The Shulchan Aruch's ruling requiring him to return to the sukkah as soon as his service is unnecessary implies that an attendant's exemption is because of oseik bemitzvah and not because of teishvu ke'ein taduru. We can now answer the first question raised above: May a medical resident on hospital duty during Sukkos eat full meals outside the sukkah? The answer is that he may eat full meals outside the sukkah as long as his services are necessary. If his services are temporarily not necessary, then it depends on the above-quoted

dispute, and, per the ruling of the Shulchan Aruch, he should restrict himself to eating snacks that do not require a sukkah.

WHAT ABOUT THE FIRST NIGHT OF SUKKOS? Is a sufferer required to eat in the sukkah the first night of Sukkos? The Rama (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; Rama 639:5). Why must he eat in the sukkah this night, if a mitzta'er is absolved from fulfilling mitzvas sukkah? The answer is that there are two aspects to the mitzvah of sukkah. (1) The mitzvah to dwell in a sukkah all of Sukkos. However, one can theoretically avoid eating in the sukkah if one never eats a meal the entire holiday but survives on snacks that are exempt from the sukkah (Mishnah Sukkah 27a). (2) The requirement to eat in a sukkah the first night of the Yom Tov. We derive this requirement hermeneutically from the mitzvah of eating matzoh the first night of Pesach (Sukkah 27a). This mitzvah is an obligation -- even if one chooses to not eat a meal all of Sukkos, he is still required to eat a kezayis of bread in the sukkah the first night. Many authorities contend that a halachic difference exists between these two mitzvos. Just as a mitzta'er is required to eat a kezayis of matzoh 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). According to his opinion, the law of teishvu ke'ein taduru does not exempt eating in the sukkah the first night of Sukkos. Other Rishonim disagree, contending that the rules of teishvu ke'ein taduru apply on the first night just as they apply the rest of the week (Shu't Rashba, quoted by Beis Yosef). Ashkenazim consider this to be an unresolved halachic issue; therefore, if it rains the first night, we eat at least a kezayis of bread in the sukkah but do not recite a bracha leisheiv basukkah (consensus of most Acharonim, see Mishnah Berurah 639:35). Sefardim should ask their rav what to do, since Sefardic poskim dispute whether they are obligated to eat in the sukkah the first night of Yom Tov under these circumstances.

FIRST NIGHT FOR THE ILL Is a sick person required to eat the first night in the sukkah? This should depend on the reasons mentioned earlier. If an ill person is exempt because he is considered oseik bemitzvah, then he is also exempt the first night. Similarly, if he is exempt because of mitzvos tzrichos kavanah -- illness distracts his ability to focus and thereby fulfill the mitzvah -- he is also exempt from the mitzvah. However, if his exemption is because of teishvu ke'ein taduru, Ashkenazic practice will obligate him to eat a kezayis in the sukkah, albeit without reciting a bracha. Thus, whether Zeidie of Question #3 above is required to eat in the sukkah on the first night of Yom Tov is dependent on this dispute. (See the Ben Ish Chai, Haazinu #12, who rules that he is obligated to eat in the sukkah.)

FIRST NIGHT FOR THE ATTENDANT What about someone attending the ill? Is he required to eat in the sukkah the first night of Yom Tov? Again, let us examine why an attendant is exempt from the mitzvah. I cited above two approaches: (1) Teishvu ke'ein taduru. (2) Oseik bemitzvah patur min hamitzvah. If one assumes that the attendant is patur because of teishvu ke'ein taduru, and we rule that these exemptions do not apply on the first night of Sukkos, then the attendant is obligated to eat at least a kezayis of bread in the sukkah (Aruch Laneir, Sukkah 26a). However, if the attendant is exempt because he is oseik bemitzvah, he is not obligated (see Elyah Rabbah 640:8).

TO BLESS OR NOT TO BLESS According to those who exempt an attendant from sukkah because of oseik bemitzvah, does he recite a bracha if he chooses to eat in the sukkah? This question will directly affect the medical resident who asked: "If I am able to eat in the sukkah while on duty, do I recite the bracha of leisheiv basukkah when doing so?" The question is whether someone performing a mitzvah when absolved because of oseik bemitzvah fulfills the second mitzvah (from which he has been absolved). There is another case affected by this issue. If the resident eats in the sukkah while he is attending an ill person

(and he is patur from the mitzvah), and later in the evening someone relieves him from duty – is he now required to eat a kezayis in the sukkah, since at the time he fulfilled the mitzvah, he was not obligated to do so? Most poskim rule that someone who is oseik in one mitzvah and observes a second mitzvah has fulfilled his obligation to fulfill the second mitzvah; thus, he is not required to eat another kezayis in the sukkah later (Shu't Rama MiFanu #102; Shaar HaTziyun 475:39; Oneg Yom Tov #41). However, Shu't Ksav Sofer (Orach Chayim #99 s.v. vi'ayein) contends that he is not yotzei and must eat another kezayis. May we all celebrate the upcoming Yom Tov and Mitzvos in the best of health!

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From Too Particular to Too Universal and Back Again
Rabbi Kenny Schiowitz

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The two major holidays that bookend the Jewish year are Pesach and Sukot. These weeklong festivals commence exactly half a year apart from one another and are in some ways polar opposites, while at the same time are inextricably linked in law and philosophy. This article will attempt to reflect on the fundamental philosophies that unite and divide these two celebrations. Chazal highlight this connection through the application of the “gezeira shava Tu-Tu,” the exegetical tool that enables the transposition of the laws of Sukot to Pesach and vice versa. We will see that this legal mechanism is responsible for many of the fundamental laws of the holidays and represents the spiritual and philosophical underpinnings as well.

The basic obligation to eat in a suka on the first night of Sukot is based on this connection:

R. Yochanan said in the name of R. Shimon b. Yehotzadak, it says here (regarding Sukot) the fifteenth and it says regarding Pesach the fifteenth. Just as there is an obligation to eat matza on the first night of Pesach and the rest of the holiday it is optional, similarly we must eat bread in the suka on the first night of Sukot and the rest of the holiday it is optional. Sukkah 27a

Much halachic literature has been devoted to the exploration of the precise parameters of this connection. Some rishonim insist that the amount of bread necessary to be eaten on the eve of Sukot is an olive's volume, mirroring the volume of matza that must be consumed on the first of Pesach, while others require an egg's volume, consistent with the general principles of the laws of suka.²⁷

Similarly, some say that rain exempts one from eating in the suka like the rest of Sukot,²⁸ while others derive an obligation to eat even in the rain based on the comparison to Pesach.²⁹ The Pri Megadim³⁰ goes so far as to say that one must eat “water-challah” (bread made of four and water alone) on the first night of Sukot similar to the matza of Pesach (despite the fact that it is chametz!)

The debates revolve around the ambiguity of exactly how similar these holidays are supposed to be and to what extent they maintain their unique individual identities. The same can be said of their philosophical identities. I would like to explore that relationship. How are these two holidays indeed polar opposites and what are their similarities and points of integration?

The prominence of these two holidays and their respective months is illustrated by this Tanaitic debate:

The Beraita states: R. Eliezer said that the world was created in Tishrei, our forefathers were born in Tishrei and died in Tishrei ... The Jews were redeemed in Nisan and their future redemption will be in Tishrei. R. Yehoshua said that the world was created in Nisan, our

forefathers were born in Nisan and died in Nisan ... The Jews were redeemed in Nisan and their future redemption will be in Nisan. Rosh HaShana 10b-11a

R. Eliezer believes that the creation of the world occurred in the month of Tishrei, while R. Yehoshua insists that it occurred in Nisan. It goes without saying that their debate is not rooted in the carbon dating of fossils to the closer half-year. It is also not a coincidence that they each believe that the births and deaths of the forefathers occurred in those same months, as well as the date of the future redemption. Clearly, R. Eliezer's view is predicated on the perspective that Tishrei is the focal month of the year and is therefore most likely to be the time of the most historic events of all time, while R. Yehoshua sees Nisan as the month most apropos for these historic events. Their debate is a reflection on their differing perspectives on the relative importance of these months.

Nisan marks the birth of the Jewish People. This nation was forged through the shared experience of persecution and slavery and through the historic, miraculous redemption from Egypt. The entire month of Nisan is defined by this holiday at its center. Nisan marks the uniqueness of the Jewish People and the particular destiny that it possesses. In this sense, Nisan is the beginning of everything and is therefore designated as the first of the months, as God commanded in Egypt:

This month should be to you the first of all months. It is the first for you for all of the months of the year. Shemot 12:2

We are to calculate our time through the lunar months, beginning with Nisan. The Midrash, however, limits this designation and focuses on the seemingly superfluous, yet insignificant word “lachem”:

“To you the first of all months”- “To you” and not to the nations of the world because the nations of the world count from Tishrei. Pesikta Zutreta, Shemot ch. 12

The Midrash insists that even when other nations follow a lunar calendar, they begin their year with Tishrei. The importance of Nisan is limited to the particular interests of the Jews. With respect to the rest of the world, it is Tishrei that is most significant. Thus we can suggest that Rav Eliezer believes that with respect to the creation of the entire world, the event with the most universal significance, it is Tishrei that is most aptly suited to be its date. Rav Yehoshua, however, sees the world from the perspective of the Jewish People, and sees the unique mission of the Jewish People to be the purpose of creation and therefore dates the creation of world at Nisan. In a sense, perhaps Rav Yehoshua reflects the view of the Midrash, quoted by Rashi in the beginning of the Torah:

“In the beginning, God created”- This verse demands interpretation, like the interpretation of our rabbis, [the world was created] for the purpose of the Torah which is called “the first path” and for the purpose of the Jewish People who are called “the first crop.” Rashi, Bereishit 1:1

The identity of Tishrei is also manifest in the holidays that populate the month. It begins with Rosh HaShana and is centered around Sukot. Throughout Sukot we bring seventy cows in the musaf services. The korban musaf represents the essence of the kedushat hayom, sanctity of the day. In this case, Chazal say:

R. Elazar said: These seventy cows, correspond to whom? They correspond to the seventy nations. Suka 55b

The seventy korbanot represent the seventy nations of the world on whose behalf we pray and sacrifice on Sukot. The essence of Sukot is our universal concern for all of the peoples of the world.

This theme of Sukot is also represented by the essential symbol of the holiday: the sukah. The Midrash says that this mitzvah will have application to the non-Jewish community as well. The Midrash states that in the end of days God will give rewards to those who kept his Torah and the nations of the world will claim that they were never given the opportunity to keep the Torah. God will then give them one

last chance – and He will choose the mitzvah of sukah for them to perform and test if they are able to sit in the Suka when it is very hot outside.

It is noteworthy that of all of the mitzvot to choose from, it is suka in particular that is chosen for this special test. Why suka? Perhaps this is a reflection of the universal nature of suka, and it is indeed the most relevant one to share with the general population. Additional support for the universal nature of Sukot can be found in the particular laws of the sukah. The halacha is most stringent with respect to the materials that are valid for schach (the roof of the suka) in contrast to the walls, that can be made of anything. In addition, some of the walls can be imaginary, as we derive the requisite dimensions from the laws of eruv and construct our sukot from them. This may represent that fact that the suka focuses on that which unites us, that which is Above, and downplays the walls, the representation of that which divides us.

The essence of Rosh Hashana is that it is the Day of Judgment. The liturgy expresses this theme but is careful to express the universal nature of this judgment:

? And so, place you fear, God our Lord on all of Your works and your dread on everything You created. All of the works will fear You and all who were created will bow to you. Everyone will create a single group to fulfill Your will whole heartedly.

? Our Lord and Lord of our fathers, rule over the entire world with Your honor and be elevated over the whole earth with Your glory. Reveal Yourself with your glorious strength over all inhabitants of the earth and let all that has been made know that You are the Maker and everything that has been fashioned that You were the one Who fashioned ...

? Regarding the nations, it is said on this day, which ones will go to war?

? This is the day of the creation of the world. On this day, all of the creations of the world will stand judgment.

The belief that the entire world stands in judgment on this birthday of the world is perfectly consistent with the theme of Tishrei. The basic fact that Rosh HaShana is a day of judgment is based on a midrash quoted in the Talmud:

On the first of Tishri it is the new year for years. What legal bearing has this? R. Nahman b. Isaac [explained the Mishnah to refer] to the Divine judgment 'as it is written, From the beginning of the year to the end of the year, [which means], From the beginning of the year sentence is passed as to what shall be at the end of it. How do we know that this takes place in Tishri? — Because it is written, Blow the horn at the new moon, at the covered time [keseh] for our feastday. Which is the feast on which the moon is covered over [mithkaseh]? You must say that this is New Year; and it is written [in this connection], For it is a statute for Israel, an ordinance for the God of Jacob ... Another [Baraitha] taught: 'For it is a statute for Israel'; this tells me only that Israel [are judged]; how do I know that this applies also to the [other] nations of this world? Because it is written, an ordinance for the God of Jacob'. If that is the case, what is the point of saying, For it is a statute for Israel? — It teaches that Israel are brought up for trial first. Rosh HaShana 8a-8b (adapted from Soncino Translation)

According to the Talmud, the verse in Psalms refers to Rosh HaShana by the name *kese leyom chagenu* – the “holiday during which the moon is not visible.” Rashi and Tosfot offer different possible interpretations of these words and the application to Rosh HaShana. According to Rashi, it relates to the astronomical view of the moon. Rosh HaShana always occurs on the first day of the lunar month Tishrei, when there is little or no view of the moon. Hence, Rosh HaShana is the (only) biblical holiday that occurs without the moon not-visible in the sky. Tosfot (d.h. SheHaChodesh) quotes Rav Meshulam who suggests that the normal chatat sacrifice that is brought on Rosh Chodesh is omitted on Rosh HaShana. This is based on the verses in Bamidbar (29:6) that

enumerate the sacrifices of Rosh HaShana, and conclude that these sacrifices are offered, “aside from the ola of Rosh Chodesh” without any mention of the sin offering of Rosh Chodesh. Rabenu Tam disputes Rabenu Meshulam and insists that the usual sin offering of Rosh Chodesh is in fact brought on Rosh HaShana, but it is hidden in that it is not mentioned in the verse. In a similar vein, Tosfot offers another interpretation that Rosh HaShana is hidden in that its sacrifices are not mentioned in the Musaf prayers. The common denominator of all of these interpretations is that in some way a fundamental aspect of Rosh Chodesh is hidden on Rosh HaShana. Moreover, it is remarkable that Rosh HaShana is titled and defined by its relationship to Rosh Chodesh. The Psalmist chose to describe Rosh HaShana by the name *kese leyom chagenu*, and the liturgy consistently describe Rosh HaShana in this way throughout the prayers and Kiddush. Why is this holiday defined by this unusual and seemingly minor detail? Why not call it Yom HaDin or Rosh HaShana? In what way does *kese leyom chagenu* become an appropriate name, capturing the essence of the day?

Chazal perceive our lunar calendar to be an expression of the uniqueness and distinctiveness of the Jewish People. The Jewish People are identified by the moon and by our relationship to it, symbolized by Rosh Chodesh. The reason for this is not only because Jews count the months from Nisan, but also because most nations do not follow a lunar cycle at all:

R. Levi said: The actions of the Jewish People are different than the rest of the world ... In their calendar, the nations of the world use a solar calendar and the Jewish People use a lunar calendar as it states “This month should be to you.” Yalkut Shimoni no. 626

Perhaps the name “*kese leyom chagenu*” indeed captures the essence of the day of Rosh HaShana in that it is the one holiday that occurs on the day that the moon is not visible; it is the one day when the uniqueness of the Jewish People is muted and the dominant concern transcends the unique needs of the Jewish People and relates to all mankind.

Thus the month of Tishrei, defined by Rosh HaShana and Sukot is of universal concern, in contrast to the particularly Jewish identity of Nisan. Nevertheless, Sukot concludes with an independent but related holiday of Shmini Atzeret. This day is defined by Chazal as:

R. Elazar said: These seventy cows, correspond to whom? They correspond to the seventy nations. What about the individual cow [of Shmini Atzeret]? It corresponds to a single nation. It is comparable to a human king who told his servants “make me a great meal.” On the last day, he told his beloved “make me a small me so that I can benefit from your [company]. Suka 55b

In our efforts to become universally relevant we must also be sure to maintain our unique identity. We therefore remain for one day, Shmini Atzeret, to focus on our unique relationship with God and to affirm our particular commitment to God’s Torah. In a similar way, Yom Kippur follows Rosh Hashana in order to balance our focus on our own identity with our concern for all of mankind.

The themes that underlie these cornerstone holidays have parallels in the rabbinic holidays as well. Sukot is very similar to Chanukah, as evident in a number of sources:

Ulla says, two Amora'im in the west (Eretz Yisrael) argue about this - R' Yossi Bar Avin and R' Yossi bar Zevida - one says that the reasoning of Beit Shammai corresponds to the days yet to come, while the reason of Beit Hillel corresponds to the days that are passing; the other says the reason of Beit Shammai corresponds to the bulls offered on Chag (Sukkot), while Beit Hillel's rationale follows the maxim: "One should always ascend with regard to kedusha and not descend." Shabbat 21b

According to one view of Beit Shamai, the seventy korban musaf offerings of Sukot, which define the essence of this universal holiday, are mirrored in the candles of the menorah. Even though we do not light the menorah according to the directions of Beit Shamai, the truth underlying this explanation may be undisputed.

In addition, the dominance of *pirsumei nisa* (publicizing the miracle) is indisputable. The Chanukah menorah is the only mitzvah whose function is to publicize something to the public. The menorah is lit in the door or in the window for all to see. Whether *pirsumei nisa* is fulfilled by communicating the story to the non-Jewish population is subject to a dispute amongst halachic deciders, but the simple reading of the Talmud with Rashi indicates that this mitzva is defined by the broader community:

Alternatively, the requisite amount of oil is until the traffic stops in the marketplace. How long is this? Rabbah b. b. Chana said in the name of R. Yochanan: until the Tarmodeans leave the market. Shabbat 21b

Tarmodeans- The name of a nation whose people collected small twigs and they would remain in the marketplace until the people of the marketplace went home at night and would light flames in their home. When the people needed more twigs, they would go out and buy from them (the Tarmodeans). Rashi, Shabbat 21b

In addition, Sukot and Chanukah are the only two holidays that extend for eight days. They are the two times that *hadar* (beauty) is a dominant aspect of the mitzvah³¹ and they are both mitzvot that must be done beneath twenty amot, in order for people to see the *schach* and the menorah. Moreover, the Rokeach³² points out that Sukot is described in Parshat Emor immediately before the mitzvah of the menorah. Finally, the Book of the Maccabees (2) further highlights the connection between these two holidays by asserting that during the time of the Hasmonaim, they were unable to celebrate Sukot at the correct time and was in fact postponed until after the war, to be celebrated on Chanukah itself.

Mikdash and Mishkan

Let us now turn our attention to our places of kedusha: the Mishkan (Tabernacle) and the Mikdash (Temple). There is a dispute among the rishonim regarding the purpose of the Mishkan. Rashi, Shmot 31:18, sees the Mishkan as a means of atoning for the Golden Calf. The implication is that if not for the sin of the Golden Calf, there would be no need for the Mishkan. In a similar vein, Rambam, More Nevuchim 3:46, writes that the *korbanot* were not an ideal, but a response to the pagan practices of the time. Ramban, Shmot 25:2, and Vayikra 1:9, writes that both the Mishkan and the *korbanot* are ideal commands that did not merely come as a response to some unfortunate event of the time.

Nevertheless, Rav Menachem Liebttag³³ suggests a very significant qualification. He argues that even if it is true that the Mishkan was not always “meant to be”, the Temple in Jerusalem was always part of God’s divine plan. This is evident from the fact that there has been talk of a Beit Elokim in that place since the time of the Avot (Bereishit 28:17). Similarly, the Jews sang of a mikdash in the Az Yashir (Shmot 15:17). Moreover, we are commanded in Parshat Mishpatim (23:14-17) to visit God three times a year and to be sure not to come empty handed. Clearly there was going to be a place of God in Israel even before the sin of the Golden Calf.

Why the discrepancy? Why is it that the Beit HaMikdash was always considered to be an ideal that we yearned for since the dawn of our history, while the Mishkan was introduced only as a reaction to sins? Weren’t these two structures spiritually one and the same? Indeed, according to the Ramban they were, but perhaps according to Rashi and Rambam they were not. What is the difference?

The Beit HaMikdash is described by the Navi as house of prayer for the entire world:

Even them will I bring to My holy mountain, and make them joyful in My house of prayer; their burnt-offerings and their sacrifices shall be acceptable upon Mine altar; for My house shall be called a house of prayer for all peoples. Yeshayahu 56:7

For all peoples- and not just the Jewish People. Rashi, Yeshayahu 56:7

Indeed, we know that sacrifices were offered in the Temple by foreign nations. The Temple of Jerusalem was known throughout the land, and all those who wanted to worship God in a Jewish fashion were welcome into this Temple to serve God. The Mishkan, however, was never to become a “house of prayer for all of the nations.” So long as the Jewish People were a nomadic tribe wandering the desert, the Tabernacle was not going to become an international house of prayer. Perhaps it was for this reason that although the Temple was always our ideal, the temporary Tabernacle was not, and was only constructed in order to provide a response to the sin of the *egel* and to ensure that it would not be repeated.

It is therefore most appropriate that the dedication of the Temple was actually on Sukot:

And all the men of Israel assembled themselves unto king Solomon at the feast, in the month Ethanim, which is the seventh month. Melachim I 8:2

The “House of Prayer for all of the Nations” was dedicated on the “holiday of prayer for all of the nations.” However, the Tabernacle, that was to serve the unique needs of the Jewish People during their isolation in the desert, was dedicated in the month of Nisan:

And it came to pass in the first month in the second year, on the first day of the month, that the tabernacle was reared up. Shmot 40:17

The second Temple was dedicated before Pesach. However, once Jewish sovereignty was established during the times of the Hasmonaim, and the Temple was rededicated with a chance of re-establishing the type of Temple that the first one was, this dedication occurred on Chanukah, the holiday that is the “second Sukot.”

Judaism is a juggle of the universal mission and the particular; it is a religion that strives to spread its message throughout the world, but must constantly stay close to home in order to maintain its unique identity and commitment. This balance is symbolized by the Menorah – often considered to be the symbol of Judaism – that attempts to shine its light to the entire *reshut harabim*, the entire public domain, but must stay anchored within a handbreadth of the home.³⁴ In the same way, the major holidays of the year are divided, each focusing on one goal or the other, and the contrast of the Beit HaMikdash with the Mishkan reflects this tension as well. It is the mission of the Jew to live this tension and to best develop the opportunity to illuminate the world while warming one’s self and home at the same time.

27 Ran in Brachot folio 12b (of the Rif) d.h. Matnitin. 28 Tosfot in Brachot 49b and Teshuvot HaRashba, quoted by Beit Yosef in O.C. 639.

29 Rosh in Brachot Chapt. 7 siman 23. 30 O.C. 643. See Ran (end of Chapt. 2) of Sukah and Tzlach (Pesachim 108) who dispute this. 31 Sfat Emet on Chanukah 5840, fourth paragraph. 32 Rokeach, Laws of Chanukah, 225–233 <http://www.tanach.org/shmot/truma/trumas1.htm> 34 Talmud Bavli, Shabbat 22a.

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The Beauty and the Least

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Most *chagim* are defined by a primary mitzvah – a central mitzvah that both anchors the halachik experience and infuses the day with its primary symbolism. It is difficult to overstate the central role of *shofar* on Rosh Hashana just as it is impossible to ignore the heavy impact of *chametz* and *matzah* upon Pesach. Though admittedly, most *chagim* carry ancillary mitzvot, such as *korbanot* and *tefilot*, it is usually the one central mitzvah which captures the theme of the day. More often than not this central and dominant mitzvah lends the *chag* its Biblical name. Rosh Hashanah is referred to by the Torah as *Yom Hazikaron*

because of the effect of the shofar which elicits the merciful attention of the Ribbono Shel Olam. Similarly, Pesach is referred to by the Torah as Chag Hamatzot in recognition of the matzah and chametz experience which lies at this core of this experience symbolizing the rapid exodus from Egyptian bondage.

In this respect the chag of Sukkot is a bit unusual in that it spotlights two seemingly equal mitzvot. The mitzvah of the arba minnim and the mitzvah of sitting in a Sukkah appear to play equivalent roles in the experience of the holiday of Sukkot. Each is mentioned once and only once (in Parshat Emor) and each applies m'doraita. To be sure there is a fundamental inequality in the "range" of the mitzvah; the mitzvah of sitting in the sukkah extends throughout the entirety of Yom Tov whereas the mitzvah of daled minim only applies – at least from the Torah – to the first day. Originally, the daled minim were only taken on the first day, except in the Beit HaMikdash, where they were taken all seven days. After the Mikdash was destroyed, Rabbi Yochanan ben Zakkai extended the mitzvah of daled minim to the entire seven days thereby equalizing it to the range of the mitzvah of Sukkah.⁵⁷ However, even though the mitzvah of Sukkah is more time-extensive than the mitzvah of daled minim, they would appear to be equivalent in their functionality and impact; they each brace the experience of the chag of Sukkot. A second difference of scope pertains to whether the respective mitzvot apply at night; the mitzvah of Sukkah applies during evening whereas the mitzvah of daled minim is limited to the daytime. But again it would seem that this difference is incidental. In as much as the mitzvah of daled minim is a formal act, it is framed within daytime hours, as most acts of mitzvot are (tefilin, shofar etc.) The mitzvah of Sukkah is not a formal act but a comprehensive experience of living in the Sukkah; as such it extends to evening hours as well. Once again this difference seems incidental to the actual relationship between the two mitzvot. Fundamentally the two mitzvot appear to be equal factors in the fabric of Chag Sukkot.

Though daled minim and the mitzvah of sukkah appear to play equal roles they emit very different messages about the religious experience. The mitzvah of daled minim is described in elegant and stylish terms.⁵⁸ The first min is described as Pri Etz Hadar, with the accent upon the aesthetic beauty of the fruit. The gemara in the 3rd perek of Sukkah carefully catalogs the parameters of hadar, setting requirements about the color, moistness and shape of the etrog. Though the Torah applies the hadar clause solely to etrog, the Gemara unanimously extends the requirement to all the minim.⁵⁹ Though the other minim do not exhibit the same aesthetic sensitivity as etrog, it is clear that each must be beautiful and experientially pleasing in their own fashion. For example, the Gemara disqualifies a particular branch as an arava since it is poisonous and thereby defies the concept of Diracheha Darchei Noam, that mitzvot should be forces of peace and supporters of life.⁶⁰ Though this concept that mitzvot cannot be poisonous seems to be a general clause and is applied globally, it is difficult to ignore the particular relevance to the daled minim. By nestling the word hadar within the description of etrog the Torah demands ornate and pleasing species for all the minim, underscoring the role of aesthetics and style in the performance of the mitzvah of daled minim.

Beyond the inclusion of the word hadar, the overall textual description of the daled minim is very stylish and 'floral' from a purely semantic standpoint. The Torah uncharacteristically describes each of the species, affording botanical and geographical tags to 'help' us identify the individual specie. The overall flavor of the pasuk is very lavish and even luxurious. The etrog is described as Pri Etz Hadar, while the lulav, effectively the top leaf of a tree, is presented as Kapos Temarim. Simple branches of shrubbery or riverbed reeds are described in colorful and stylistic fashion, Anaf Etz Avos Viarvei Nachal. Ironically, the effusive description of the daled minim actually partially disguises their identity forcing the Gemara to labor in deciphering the exact botanical

specie from the coded textual description.⁶¹ This effort is so strained that the Rambam suggests that the true identity of the daled minim is in reality a non-textual halacha l'Moshe m'Sinai and the textual tags are merely asmachtot, textual allusions which affirm an already established halachik fact.⁶² Be that as it may, there is no question that the Torah uncharacteristically indulged in the description of these minim even at the expense of 'clarity'. The grand shofar of Rosh Hashanah isn't even mentioned (instead its identity is derived from comparisons to Yovel) yet the garden samples of daled minim are enumerated in almost flamboyant manner.

Not surprisingly, the execution of the mitzvah is also described in eminent fashion. When describing the mitzvah of daled minim the Torah commands v'lakachtem, in the plural, rather than v'lakacht, in the singular, which would have been more appropriate given the individual nature of the mitzvah. The Gemara⁶³ (see Sukkah 37a and Menachot 27a) expands this term to require Likacha Tama, a full and complete discharge of the mitzvah. For example, the Gemara disqualifies taking a lulav while wearing a glove since the barrier separating your hand from the lulav compromises the integrity of the mitzvah and renders a flawed taking. Evidently, not only must the daled minim be aesthetically pleasing but the action of the mitzvah must be executed in full and complete fashion.

To summarize, the Torah casts the mitzvah of daled minim as an experience of luxury, beauty and style. The species are characterized as "beautiful" and "elegant" and they are described in floral and lavish language. The actual raising of the daled species, a seemingly banal activity, is described in a manner which implies a superior form of hoisting.

Apparently, the mitzvah of daled minim highlights the importance of beauty and splendor within avodas Hashem. A person who approaches Hakadosh Baruch Hu must do so with a sense of the grandeur of the encounter with the Other. A human being who encounters the Divine must raise the level of experience as he expands his level of consciousness. This encounter demands upgrading the overall environment and in the case of daled minim clutching the most comely and attractive items from our gardens. The daled minim are not indigenous to most northern hemisphere communities and historically their acquisition was associated with hardship and struggle. In Eretz Yisrael, however, they are all quite abundant (though not necessarily under modern conditions) and represent the choicest produce of human gardening. Their beauty and elegance mediates the rendezvous between human and Divine. It reflects the ascent of a human to higher ground so that he may encounter a Higher Being.

Though the beauty of a mitzvah object is necessary to launch the religious encounter in general avodas Hashem, it certainly has particular relevance to the experience of daled minim. Beyond the mechanical aspect of the mitzvah, the daled minim formulate a non-verbal form of praise to Hakadosh Baruch Hu. The Rav zt"l commented on the importance of acknowledging the futility of any attempts to capture the Ribbono shel Olam with human tongue. Aware of our limited capacity to glorify Hakadosh Baruch Hu we employ alternate media to facilitate and intermediate our praise. Offering praise and more so thanksgiving on Sukkot is particularly poignant as the harvest season has concluded and financial gains are assessed and enjoyed. The beauty of the daled minim is absolutely vital in lending splendor and resonance to our praise during Sukkot.

In fact, several halachot demonstrate the hallel function latent within the performance of daled minim. The integration of the daled minim with the mitzvah of hallel is only the most striking manifestation of the role of the daled minim in sounding praise and thanksgiving to Hashem.

The application of the principle of Mitvva Haba BiAveira, the disqualification of a mitzvah object that is acquired through an act of sin, ⁶⁴ to daled minim may also reflect the unique hallel component of the

daled minim. According to several baalei haTosfos the Mitzva Habaa BiAveira disqualification only applies to korbanot or to mitzvot which serve to sound hallel. Evidently, if Mitzva Haba BiAveira applies to daled minim, it represents a form of hallel. Finally, the requirement that all daled minim be alive rather than desiccated and dead may also be based upon the need to utilize these species to recite a wordless hallel. Based upon a verse in Tehilim 115, the dead can [no longer] praise G-d, we can infer that only live species are viable for daled minim and for the hallel it induces.⁶⁵ These major halachot, along with more minor issues all underline the function of daled minim in assisting man to utter the unutterable - praise and glory for the King of kings. Recognizing the ineffectiveness of capturing the Almighty through human tongue we replace words with symbols from nature. As the Midrash Tanchuma notes – Az Yiranenu Atzei Hayaar. Nature in all its glory exclaims the beauty and majesty of its Creator.⁶⁶ By seizing the choicest of these objects we harness that streaming praise and incorporate it into our Divine encounter. It is obvious that the quality of this praise is highly dependent upon the caliber of these minim. Selecting elegant and beautiful species assures that the current of our praise is both potent and eloquent.

However, to fully appreciate the function of beauty and elegance within the mitzvah of daled minim a global view of Sukkot must be taken. Indeed, these qualities of beauty and style are vital to avodas Hashem in general and to hallel and praise in particular. Beyond these general functions though, beauty and splendor possess specific relevance to the holiday of Sukkot. The Midrash contrasts the hoisting of the daled minim and a very different “lifting” – a lifting performed once in history by an impoverished nation on the cusp of redemption. That first night in Egypt, on the verge of liberation, the still enslaved Jews selected simple reeds (Agudas Ezov) and painted their doorposts with a very visible sign of faith.⁶⁷ Financially challenged, they could barely afford the splendor and elegance of daled minim and their mitzvah was capped at the more affordable level of reeds harvested from the banks of the Nile. The Midrash notes the impressive development of the Jewish people since those initial moments. With maturation and liberation came financial potency – the ability to upgrade their mitzvah performance with greater affluence and aesthetic. This financial maturity is “indexed” by the transformation of Leikachas Eizov to Ulakachtem Lachem! The elegance of the daled minim showcase the prosperity of the Jewish people and the rewards of being G-d’s chosen people. The splendor of these minim both celebrates our freedom and additionally provides a nostalgic recall of that magical night of faith, when we couldn’t afford the magnificence we currently display.

In addition to announcing our newfound prosperity, the elegance of the daled minim serve as a triumphant coda to the awe and fury of the High Holidays. A very well known Midrash portrays a scene of several subjects emerging from court with each being handed a verdict. The victorious are identified by their swords raised to heaven in obvious demonstration of triumph. Similarly, the Midrash reasons, all of humanity is judged during the Days of Judgment. By raising the daled minim the Jewish people are expressing their confidence in their national vindication. The magnificence and regality of the daled minim clearly accentuates the sign of victory and national confidence. It is clear that a “pure” taking, unobstructed by intervening materials, indicates this triumph more effectively.⁶⁸ Effectively, the elegance of the daled minim reflects our national transformation from slavery to nobility while also finalizing a successful experience of the Day of Judgment.

To summarize, the first mitzvah of Sukkot, the mitzvah of the daled minim, is characterized by elegance and aesthetics, both in form and function. The required species emit beauty and style and the manner of performing the mitzvah is equally superior. Without question the mitzvah of daled minim stresses the importance of beauty and elegance in enriching religion and capturing the grand encounter between man

and G-d. If we hope to even partially praise the Ribbono shel Olam we must significantly transform our base human voice with a more torrential voice of nature. The lavishness of this bouquet of garden flowers reminds us of where we began the Jewish journey and how far we have come. Finally, the hoisting of aromatic and attractive minim is a show of confidence that – at least as a people- we have successfully navigated the terror-filled experience of Divine judgment.

In steep contrast to the mitzvah of daled minim, the complementary mitzvah of Sukkot, sitting in the Sukkah, is described in diametrically opposed terminology. Unlike the lavish and indulgent description of the daled minim, the structure of the Sukkah is barely described. In fact, the Torah merely states Basukos Teshvu Shivas Yamim and expects us to decipher the halachik guidelines of a Sukkah. The Gemara in Sukkah is even uncertain about the number of walls necessary to construct a halachik Sukkah.⁶⁹ Even the most basic parameter of this structure is omitted from the textual description! This vacuum leads to a well known debate about a detail which if not unanimous should at least be addressed. Based on different strategies for reading the word “Sukkos” we may require four walls or might suffice with three. Either way the Torah’s modest description opens the door for dispute. Notably no similar dispute ever occurred regarding the number of minim necessary; the Torah was quite specific in enumerating each one.

The vacuum of information about a Sukkah is filled by a series of halachot l’Moshe m’Sinai. Without question the laws of Sukkah construction exhibit the greatest assortment of halachot l’Moshe m’Sinai of any halachik area. Invariably, these halachot l’Moshe m’Sinai all reduce the requirements of the Sukkah architecture. One halacha l’Moshe m’Sinai – perhaps the most basic one – reduces the requisite number of Sukkah walls from three to effectively two (actually two complete walls and a minuscule projection in place of a complete third wall). Another halacha l’Moshe m’Sinai allow gaps between the walls and the connecting sechach (dofan akuma) to be filled by non-sechach material. Effectively the sechach and walls do not have to intersect perpendicularly. Yet a different halacha l’Moshe m’Sinai allows four corners bracketing an area to serve in place of walls (pasei bira’ot). Basically a Sukkah must encompass a designated space, even if that space designation isn’t accomplished through actual walls! Walls may be vertically raised (gud asik) or lowered (gud achit); a person doesn’t have to actually sit within a wall-space as long as he sits within the overall vector which protrudes from the wall. Finally the Gemara even considers the possibility that the edge of a beam can be extended downward to form a wall (pi tikrah yored v’sotem).

This concentration of Sukkah leniencies, sponsored by the halacha l’Moshe m’Sinai, produces varieties of Sukkah structures which barely resemble an actual residence. At several points the Gemara questions the validity of these virtual structures built with halachik duct tape!⁷⁰ Without question the halachik Sukkah is quite “diminished”. The description is ‘bare-bones’, the base amount of walls isn’t clearly articulated and the series of halachot l’Moshe m’Sinai further dismantle this structure by granting unprecedented leniencies! If daled minim exhibit maximalist demands, the Sukkah is quite minimalist.

Perhaps the most compelling contrast between the lavishness of daled minim and the minimalism of the Sukkah is detected by a phrase describing the timing of Sukkot but one which Chazal decipher as a reference to the materials qualified to serve as sechach. In parshat Re’eh the Torah describes the holiday of Sukkot as occurring Biasfecha Megaroncha Umeyikvecha, when the grains and vineyards are harvested.⁷¹ The terms Biasfecha Megaroncha Umeyukvecha is phonetically and semantically related to the term Biasfecha wastes or leftovers. Consequently, Chazal claim that sechach must be formed from ‘wastes’ rather than from edible or usable items.⁷² Hence, sechach may not be composed of edible materials (ochel) or objects of utility (utensils which are candidates for tumah conveyance). Effectively, the

Torah envisions a Sukkah being crafted from leftover wastes of the harvest. From this standpoint the Sukkah is the diametric opposite of the daled minim. The daled minim are supplied by the choice species of the garden while the Sukkah is a mere hut fashioned from otherwise wasted material taken from the harvest of the wheat fields. The holiday of Sukkot is a hybrid of the grand and the elegant alongside mitzvot fashioned from leftovers!

Without question, the mitzvah of Sukkah serves to correct against the possible excesses of the mitzvah of daled minim. Beauty and design can greatly enrich avodas Hashem. However they can also distract a person from religious focus, fixing his eye solely upon flair and externals. Art and aesthetic may enhance religion just as they may overwhelm it. Instead of mediating a glorious encounter with an invisible G-d, beauty can fasten the human mind to the fleeting and ephemeral; infinity and transcendence is replaced by vanity and transience. The more reductive mitzvah of sitting in a understated Sukkah affirms that the essence of a mitzvah – or for that matter of religion - has little to do with external appearance and more to do with the ‘raw’ experience of Divine encounter. A temporary house of G-d can be fashioned from unattractive materials as long as a religious spirit infuses that location. In fact, often the humble and the ordinary allows for a purer religious interaction, unadulterated by the excesses of human conceit. The token description of the Sukkah coupled with the further diminishing of a Sukkah by halachot l’Moshe m’Sinai affirm that the spirit of G-d doesn’t require vaunted or elite settings. The Divine presence can be infused in the ordinary and the common. If anything, those settings are sometimes more uncontaminated or uncorrupted by human vanity. At a different stage the Gemara⁷³ derives laws governing sechach material from a pasuk describing a primordial fog which lifted from the ground and irrigated the earth: Vied Laale Min Haaretz Vihishke Es Pnei Kol Haadamah. This watering of land ‘fertilizes’ the earth from which Human beings are created. The Gemara reasons that just as this fog wasn’t edible or an item of human utility, so must sechach be nonochel and non-keilim. The roof of a Sukkah is cast as a pre-human material, a primal and primitive mass which is fresh and untainted by the excesses of humanity and human history. Withdrawing into the Sukkah is an escape into a refuge of purity bristling with the Divine spirit. If the daled minim celebrates the grandeur of man and channels that grandeur toward religion, the mitzvah of Sukkah divests human artifice and yields a purer religious moment.

In fact, the contrast between the beauty of the daled minim and the simplicity of the Sukkah corresponds to very different features of the religious cycle. The daled minim remind us of exalted moments of higher religious ground when man approaches Hakadosh Baruch Hu. Without question these moments must be enhanced by the best of the human realm and the beauty of human elegance. Anything less would be insulting and even bordering upon the heretical. When a human being steps out of their routine and approaches Hakadosh Baruch Hu the choicest and grandest features of the human environment must accompany that journey. The daled minim are a geographically independent mitzvah, but without question the primary mitzvah is rooted to the Mikdash. As stated earlier, according to the Torah the seven day mitzvah only applies within the Mikdash. The Mikdash is the site to where a human being travels when he steps out of his daily shell to encounter Hakadosh Baruch Hu. That journey is only possible if some tribute is offered. Whether in the form of a sacrifice or daled minim, the entry into the realm of G-d must elicit some resonant human response. The absence of some higher medium would empty this encounter of its nascent glory and awe.

However, religion must also extend beyond the grand moments of higher consciousness. It must innervate the entirety of the human condition – both the spectacular and the routine. It must be an all encompassing experience which percolates through the totality of the

human condition; the spirit of Hashem must be sewn into the fabric of day-to-day experience. If the experience becomes too ‘special’ and too vaunted it can become isolated from the human routine and insulated from human experience. As my Rebbe, Harav Yehuda Amital zt”l always cautioned us, religion cannot become autistic. Unlike daled minim which is an entry into a different realm, the mitzvah of Sukkah is merely a gloss to the day-to-day. As the Gemara⁷⁴ constantly affirms, Teshvu Kiein Taduru, experience the Sukkah as you would experience the average routine. Unlike walking into the Mikdash with daled minim, the mitzvah of Sukkah directs man to walk into his own crafted home and realize the spirit of Hashem within the human structure. It is not a special or unique activity but rather a continuum of the overall human routine lived in the presence of G-d. It is precisely for this reason that the mitzvah of Sukkah is not limited to day as is the mitzvah of daled minim. The mitzvah of daled minim is a unique moment, punctuated by a specific action. That action occurs once and is framed within the daytime hours – the primary framework for mitzvah performance. Sukkah is not a specific action but rather an overarching identification.

There can be no difference between night and day regarding this mitzvah. This experience cannot be characterized by the ornate or the spectacular; it must be simple and ordinary, but also common and constant.

Ultimately it is the stark contrast between daled minim and Sukkah which lends this chag so much energy. Both as a summation to the Day of Judgment as well as a climax of the Three Festivals, it offers final commentary on the religious identity which has been quietly brewing as these dual processes have unfurled. As the religious experience is complex, so is the religious summary of Sukkot. As our encounter with Hakadosh Baruch Hu cannot be reduced to one modality so the symbolism of this holiday cannot be monochromatic. It takes two mitzvot and the dynamic of their contrasting styles to encapsulate this final moment of standing before G-d.

57 Succah 41a 58 Vayikra 23:40 59 Succah 31(a) 60 Succah 32(a) 61 See for example Succah (35a) regarding Etrog 62 Rambam in his introduction to Pirush Hamishnayos. 63 Succah(37a), Menachot (27a) 64 Succah (30a) 65 Yerushalmi Succah (3:1) 66 Vayikra Rabbah 30:4 67 Vayikra Rabbah 30:1 68 Vayikra Rabbah 30:2 69 Succah 6(b) 70 See for example Succah 3(b) 71 Devarim 16:13 72 Succah 12(a) 73 Succah 11(b) 74 Succah 27(a)

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Travelers on Succot

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Is the traveler obligated in the mitzvah of Succah when he’s on the road? Must he find a Succah to eat and sleep in when he arrives at his temporary quarters for the night? If he cannot find a Succah must he build one? These questions are addressed by the Gemorah in Succah (26a). The Meiri quotes a dispute about the nature and scope of the exemption from Succah granted to travelers, and adopts the view that the traveler enjoys a far-reaching exemption despite the fact that he is not on his way to do a mitzvah. We will attempt to understand the opinion of the Meiri. We will begin by analyzing the nature of mitzvah obligations in general and the mitzvah of Succah in particular.

Many mitzvot require an object and an action performed with that object. Such mitzvot entail a dual obligation. First, one must do whatever necessary to obtain the object, be it the etrog, shofar, matzah, etc.; second, one must implement the mitzvah act with the object.

The question arises: are these two obligations equal in status, or is the obligation to perform the mitzvah-act primary, whereas the obligation to acquire the object is secondary? To formulate the problem in

conceptual terms, is the obligation to obtain the object an essential part of the obligation to perform the mitzvah and hence of equal weight, or is the essence of the mitzvah the action itself and the obligation to obtain the object of lesser status?1

We can answer this question by investigating the halachot that apply to situations of exemption. In the domain of mitzvot in general, halacha operates with a variety of exemption rules. How do these exemptions apply to the two obligations described above? Do they apply in the same way to both obligations, or is there a difference between the two?2

It is this issue that lies at the heart of the matter regarding travelers on Succot.

Travelers, "holchei drachim" who are on the road but not for the sake of a mitzvah, but rather for a "reshut", are exempt from Succah while they are travelling. This is clear from the braita:

The Rabbis taught: Those travelling during the day are exempt from Succah during the day and obligated at night; those travelling during the night are exempt during the night and obligated during the day. Those who are on their way to perform a mitzvah are exempt both during the day and at night. Succah 26a

It is explicit in the braita that the traveler is exempt from dwelling in a Succah as long as he is on the road. But what is his status when he arrives at a way-station, say at an overnight inn? It is clear that he is required to dwell in a Succah, but how is he meant to find one? And if he cannot, must he build one?

The mitzvah of Succah entails a dual obligation. First, one must build his own Succah or obtain permission from his friend to use his Succah; second, once he has a Succah, he must fulfill the mitzvah-act of dwelling in the Succah. If we grant the possibility suggested above, namely, that there is a difference between the primary obligation to perform the mitzvah-act and the secondary obligation to organize the object of the mitzvah, the law of the traveler – while resting at his way-station – may be understood in a new light. The Halacha establishes that the traveler is exempt from obtaining a Succah yet still remains obligated to dwell in one. What this means in practice is that the traveler would be required to dwell in the Succah if there was one immediately accessible to him, but would not be obligated to expend energy on finding a Succah or on building one himself.

The Meiri addresses this issue: Some say that those travelling for a purpose other than a mitzvah are obligated in the mitzvah of Succah when they retire at night even to build a Succah, for [if one would argue that they are only obligated to sit in a Succah] if one is accessible to them, then even one who is on his way to perform a mitzvah is obligated since dwelling in a Succah which is accessible will not undermine the fulfillment of the mitzvah he is on the way to perform.

The logic of this opinion is clear. The braita distinguishes between the traveler and one who is on his way to perform a mitzvah and presents a sliding scale. Whereas the traveler has a limited exemption which only applies as long as he is on the road, the "mitzvah-traveler" enjoys a total exemption that applies even when he settles down for the night. But clearly even the "mitzvah-traveler" is not exempt from the second obligation, i.e., the act of dwelling in the Succah if doing so entails no effort on his behalf and will not detract from the performance of his mitzvah. The principle which states that "one who is involved in a mitzvah is exempt from a second mitzvah" does not negate the second obligation entirely but rather establishes a priority for the complete fulfillment of the first mitzvah. Granted we cannot require that the "mitzvah-traveler" run around trying to find a Succah, nor that he expend the major effort necessary in building a Succah. That would impinge on his ability to fulfill his mitzvah. But if there is a Succah there in front of him, surely he would be obligated to dwell therein. Conceptually, we can say that while he has the obligation of the mitzvah-act of dwelling in the Succah (to the extent that doing so will not interfere with the performance of his mitzvah), he is exempt from the

obligation to obtain a Succah. The non-mitzvah traveler on the other hand, with his limited exemption, is obligated to obtain a Succah when off the road and at rest, which will likely mean that he must build one.

The Meiri disagrees with that opinion, and presents a different opinion:

In our opinion one who is on his way to perform a mitzvah is exempt from the act of dwelling in the Succah even if doing so entails no effort on his behalf, i.e. even if he has simple access to a Succah. The traveler, on the other hand, although obligated to dwell in a Succah if he has access to one there at his inn, is not required to expend energy to try to find a Succah and certainly is exempt from making the effort of building a Succah.

Thus with regard to the non-mitzvah traveler, the Meiri establishes a difference between obligation a) to "obtain" the mitzvah object, i.e. the Succah, and obligation b) to implement the mitzvah-act, in this case the act of dwelling in the Succah. The traveler is exempt from a) but not from b). By contrast, one who is on the way to perform a mitzvah is exempt from both a) and b). Therefore even if he has simple access to a Succah he need not dwell there.

In sum, the Meiri, like the anonymous first opinion, is operating with a sliding scale. Since the mitzvah-traveler is exempt from both obligations, the non-mitzvah traveler must be exempt from one of the two obligations, namely the obligation to build a Succah.

Why does the Meiri exempt the mitzvah-traveler from dwelling in the Succah even if a Succah is easily accessible? Apparently the Meiri operates with a different definition of the rule that "one who is involved in a mitzvah is exempt from another mitzvah." This rule is more than just a technical one designed to grant priority for the first mitzvah. A rule of this nature can be derived from svara (logic) and needs no scriptural source. Yet the Gemorah (Succah 25a) derives this principle from the passage in the parsha of Kriat Shma "and when you go on your way" – this exempts one who is on the way to perform a mitzvah. This rule establishes a new halachic exemption ("p'tur") that completely suspends the obligation of the second mitzvah as long as one is involved in the first. Hence it matters not whether the second mitzvah will interfere with the first.

It would seem, however, that this interpretation of the Meiri is incorrect. In an earlier paragraph, the Meiri defines the nature and scope of the principle that "one who is involved in a mitzvah is exempt from another mitzvah". He writes:

The principle that "one who is involved in a mitzvah is exempt from another mitzvah" only applies if engaging himself in the second mitzvah will undermine the fulfillment of the first mitzvah or impede its execution. But if one can fulfill the second without hindering the first, the principle does not apply. Meiri Succah 25a

It is explicit in the words of the Meiri that he accepts the anonymous first opinion with regard to the definition of the principle of "one who is involved in a mitzvah is exempt from another mitzvah", namely, that this is a rule of priority and not a new Halacha of exemption from the second mitzvah. How then can the Meiri say that one who is on the way to perform a mitzvah is exempt from Succah even if he has easy access to a Succah?

We conclude, therefore, that the exemption from the mitzvah of Succah of one who is on the way to perform a mitzvah is not merely an application of the general rule that "one who is involved in a mitzvah is exempt from another mitzvah", but rather is a special halacha with regards to the mitzvah of Succah. This is based on the principle of Teshvu Kiein Taduru, namely, that "one dwells in his Succah just as he would dwell in his home". Indeed in his interpretation of the braita quoted above, Rashi writes:

Travelers are exempt from Succah because one dwells in his Succah just as he would dwell in his home, hence just as he would not hesitate to leave his home to travel for business, so too during the days of Succot he is not required to restrain himself from travelling.

The Meiri does not limit the principle that “one is required to dwell in his Succah just as he would dwell in his home” to the nature of the act of “dwelling” excluding situations of rain in the Succah, extreme cold, etc., but rather expands it to produce a *Ptur Gavra*, an exemption status for the individual. This exemption applies to one who is on his way to perform a mitzvah and extends beyond the scope of the universal principle that “one who is involved in a mitzvah is exempt from another mitzvah”, applying even when dwelling in the Succah will not undermine the fulfillment of the first mitzvah or impede its execution³.

Although the *Ptur Gavra* that applies to one who is on his way to perform a mitzvah does not apply to the non-mitzvah traveler, nevertheless he still enjoys a new status of exemption. This exemption applies to the obligation to obtain the object, i.e. to find a Succah or build one. As we have suggested, the obligation to perform the mitzvah-act is primary and cannot be relieved without a complete *Ptur Gavra*, whereas the obligation to obtain the object is of a lesser status and more disposed to exemption. The Meiri postulates a sliding scale. Anyone on the road – for whatever purpose – is subject to the exemption of “one dwells in his Succah just as he would dwell in his home”. In the case of one who is on his way to perform a mitzvah, where the *Ptur Gavra* applies, the exemption is complete and extends even to the act of dwelling in the Succah. In the case of a traveler for a “reshut” where the complete *Ptur Gavra* is lacking, the exemption is limited to the obligation to obtain the object of the mitzvah, but does not extend to the act of dwelling in the Succah. Hence, the non-mitzvah traveler will only be required to dwell in the Succah should he find one readily accessible⁴.

The principle that “one dwells in his Succah just as he would dwell in his home” applies to the non-mitzvah traveler on the road. This principle applies whenever the individual would normally leave his home to embark on a journey for whatever the purpose. The strict opinion taken by a number of Poskim [see *Shut Yechaveh Da’at*, 3:47] with regards to tourists, who travel on *Chol HaMoed* for pleasure, is not reflected in the approach we have taken in the understanding of this sugya.

Succah and Yishuv Eretz Yisrael

We find two mitzvot in the Torah which are defined by the act of dwelling (“yeshiva”), dwelling in the Land of Israel (*yeshiva b’Eretz Yisrael*), and dwelling in the Succah (*yeshiva b’succah*). The similarity between the two extends beyond the basic obligation of an act of dwelling; a certain quality of “yeshiva” is required.

As a general rule, we are obligated in mitzvot despite the difficulties and hardships one must face in their fulfillment. Yet, in the case of the obligation to live in Eretz Yisrael, we find a number of exemptions that result from adverse conditions, such as eking out a living, finding a marriage partner or a Torah teacher, and the inability to honor one’s elderly parents who cannot settle in Israel. It seems that the mere act of dwelling in the Land is insufficient to fulfill this commandment. A particular quality of “yeshiva” is necessary. The dwelling must lend itself to joy and contentment.

With regard to the command to dwell in a Succah, we find a similar phenomenon. *Hamitztaer Patur Min Hasukah*. One who suffers from discomfort is exempt from this mitzvah. Apparently the quality of “yeshiva” required is one of contentment conducive to joy. Both these mitzvot of dwelling require joy and contentment not merely to beautify the mitzvah, but as part of their very nature. We would suggest that in both cases the essence and goal of the mitzvah is a close relationship to Shechina. The Land of Israel is the Land of Shechina. And the *schach* under which one dwells in his Succah represents the protection of the Shechina. It is for this reason that the *Zohar* calls the shade provided by the *schach* *Tzila Dihemnusa*, symbolic of the clouds of honor that protected the people of Israel in the wilderness.

As the Rav zt”l pointed out, whenever we find the concept of “simcha” in the Torah it is always associated with “*lifne HaShem*” (standing before God). One who dwells in the presence of HaShem experiences genuine joy.

It is for this reason that a traveler is exempt from “*yeshiva b’succah*”. Had the halacha prohibited him from leaving the Succah to embark on his journey, he would feel confined by the walls of the Succah and would be lacking the sense of joy which is conditional to the fulfillment of this commandment.

1 The *Tzlach* (*Psachim* 3b) claims that one who is “far away” before the obligation of *Korban Pesach* arrives is not required to “come close” before the moment of obligation. The *Minchat Chinuch* (*Mitzva* #5) disagrees and claims that certainly one is required, even before the obligation of *Korban Pesach* arrives, to “come close” so that he be included in *Korban Pesach*. He writes, “Would anyone entertain the possibility that one need not acquire a lulav or a shofar before the holiday so that he can perform the mitzvah in its proper time?” It is possible that the *Tzlach* would concede that one is absolutely obligated to acquire a lulav in advance of the Chag as an essential ingredient of the mitzvah of lulav. However “*kiruv makom*” in the case of *Korban Pesach* is a condition that produces this mitzvah and one is not required to actively guarantee that the condition necessary to generate a mitzvah-obligation be fulfilled. However both the *Tzlach* and the *Minchat Chinuch* might agree that the obligation to obtain a lulav is secondary to the primary obligation of “*netilat lulav*”.

2 I believe we can demonstrate the difference between the two obligations with the following example. Insofar as the first obligation often involves financial expenses [i.e. “*chovat mamon*”], whereas the second involves a physical act [i.e. “*chovat ha’guf*”], a poor person may, under certain circumstances, be exempt from obligation to purchase the object – i.e. a lulav – but if he has one, he is obligated to implement the mitzvah act of “*netilat lulav*”.

3 Compare this approach of the view of the Meiri to the Rav’s analysis of the position of the Rambam as presented in *Ha’rerei Kedem*, Vol. I, page 177.

4 The *Levush* (*Levush HaChur*, OC 640:8) rules that travelers are only obligated at night if they reach a place where a succah already stands. According to the *Levush* the traveler need not build a succah, “because there is no greater trouble and pain than this, to obligate him to build a succah in the field or amongst the gentiles.” The view of the *Levush* should not be identified with that of the Meiri. Whereas the *Levush* is operating with the concept of “*mitzta’er*,” the discomfort exemption, the Meiri is not. The Meiri integrates the Halacha of the traveler with that of one who is on his way to perform a mitzvah and compares the two “*peturim*”. For the *Levush*, the question will be “what constitutes “*mitzta’er*”? This question is irrelevant to the Meiri.

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Reading Kohelet on Sukkot

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There is a tradition to read the book of Kohelet, Ecclesiastes, on Sukkot. The origins of the tradition date back at least to the time of Rashi (1040-1105). Rashi’s students write that one should recite Kohelet on Shabbat of Sukkot or on Shemini Atzeret:

On the Shabbat of Sukkot, we recite the entire Hallel, the full Kaddish, and the entire congregation reads the book of Kohelet while seated in order to give a portion to seven and also to eight. *Siddur Rashi*, pp. 104-105

[On Shemini Atzeret] we recite the entire Hallel and read Kohelet if it was not already read. *Siddur Rashi*, pg. 147

According to Rashi, the reason for reading Kohelet on Sukkot is because it contains the verse: Divide a portion into seven, and even into eight for you don’t know what troubles shall be upon the earth. *Kohelet* 11:2

The Midrash, Kohelet Rabbah 11:2, quotes one opinion that the reference in the verse to seven and eight is an allusion to Sukkot which is a seven day holiday with an additional day holiday at the end. Yet, other commentators provide additional reasons for reading Kohelet on Sukkot. In this article, we will discuss some of those other reasons.

Kohelet as a Public Lecture While the author of Kohelet, generally assumed to be King Shlomo, refers to himself as "Kohelet ben David," the name Kohelet is a reflection of the content of the book. Rashi writes:

[It is called] Kohelet because he gathered many different forms of wisdom. There are some who say that it is because these words were said at hakhel [the gathering of the Jewish people after the sabbatical year.] Rashi, Kohelet 1:1

The name Kohelet is from the word Kahal which means to collect or to gather. This can either refer to the collection of wisdom or to the gathering of the people.

R. David Abudraham (14th century) relates Rashi's second interpretation to our tradition to read Kohelet on Sukkot:

There is another reason and that is that Shlomo said these words on Sukkot as it states (Devarim 31:10) on the holiday [at the conclusion] of the shemithah year, on Sukkot, when the Jewish people come to be seen, gather the nation, the men, women and children, etc. and it states (Melachim I 8:2) they all gathered to King Shlomo during the month of Etanim, on Sukkot, etc. and it was then that he recited [Kohelet] during hakhel in order to rebuke the Jewish people. For this reason, it is logical to recite it on Sukkot. This is from the writings of Ibn HaYarchi. Sefer Abudraham, Tefillot HaPesach

According to R. Naftali Z.Y. Berlin (The Netziv, 1816-1893), King Shlomo's gathering was of a slightly different nature:

In the fourteenth chapter of Zechariah it states that in the future, the nations of the world will come on Chol HaMoed of Sukkot to stand next to their offering because they will also recognize the sovereignty of God, the King ... This was also the tradition during the days of Shlomo and for this reason, Shlomo would recite Kohelet on Chol HaMoed Sukkot to the nations of the world ... For this reason, we have been reciting Kohelet throughout the generations on Chol HaMoed Sukkot. Harchev Davar, Bamidbar 29:12

According to Netziv, Kohelet contains a universal message. The message was delivered on an annual basis to the leaders of all nations of the world on Sukkot and we continue that tradition in our synagogues.

The Contradictions of Kohelet R. Avraham Gombiner (c.1633-1683) provides another reason for reading Kohelet on Sukkot:

On Sukkot [we read] Kohelet because they are days of joy and it states in Kohelet (2:2) "what does joy accomplish?" Magen Avraham 490:8

His comment seems somewhat puzzling. Simcha (joy) is one of the themes of Sukkot. Why then, would we read Kohelet specifically because of a verse that states that simcha is meaningless?

In order to understand R. Gombiner's comments, it is necessary to provide some background. There was a debate during Mishnaic times whether Kohelet should be canonized as one of the books of Tanach (see Eduyot 5:3 and Yadayim 3:5). The Gemara teaches us the basis for the debate and why it was ultimately accepted as one of the books of Tanach:

R. Yehuda son of R. Samuel b. Sheilat said in Rav's name: The Sages wished to conceal the Book of Ecclesiastes, because its words are self-contradictory; yet why did they not conceal it? Because its beginning is religious teaching and its end is religious teaching. Its beginning is religious teaching, as it is written, What benefit does man get for of all his labor that he labors under the sun? And the School of R. Yannai commented: Under the sun he has none, but he has benefit before the sun. The end is religious teaching, as it is written, Let us hear the conclusion of the matter, fear God, and keep his commandments: for this is the whole of man. What is meant by, 'for this is the whole of man'?-Said R. Eliezar, The entire world was created only for the sake of this [type of] man. And how are its words self-contradictory? ... It is written, Then I commended joy; but it is written, and of joy [I said] What does it accomplish? There is no difficulty ... 'Then I commended joy': this refers to the joy of a commandment. 'And of joy [I said], what does it accomplish?': this refers to joy [which is] not in connection with a commandment. Shabbat 30b (adapted from Soncino Translation)

On one level, it is possible to understand R. Gombiner's comment as an allusion to the Talmud's understanding of the verse "What does joy accomplish?" When we read Kohelet on Sukkot, we are supposed to be reminded of the message that true simcha is only achieved when it is the context of our service of God. This, in fact, is how R. Yosef Teomim (author of P'ri Megadim 1727-1793) understands the tradition of reading Kohelet on Sukkot:

In Kohelet, there are times when he criticizes joy and times when he praises it ... The resolution is that that he criticizes being joyful to engage in acts of evil or

in eating and drinking. However, the joy in performing mitzvot and serving God is good. Therefore, we read Kohelet so that we don't think that we should rejoice before God for seven days with frivolity, eating and drinking, rather with the joy of observing mitzvot. Sefer HaMagid, Vol. III Second Derasha for Sukkot

One can also understand R. Gombiner's comment on a deeper level. As the Talmud notes, Kohelet was considered a controversial work because of statements that seem to contradict one another. While the Talmud only provides two such examples, R. Avraham Ibn Ezra (c. 1089-1164), Kohelet 7:3, provides nine examples of these statements and writes that there are others. Nevertheless, despite all of the apparent contradictions, the rabbis felt that Kohelet is worthy of canonization because of its beginning and end. R. Avraham Y. Kook (1865-1935) explains the significance of this decision:

For this reason they didn't conceal it because it begins with words of Torah which teach of the initial support of the pure innocence and natural instinct that is rooted in the holy soul of a Jew. It ends with words of Torah, after the lengthy intellectual pursuit, it returns to the foundation that it outlined at the beginning ... When we see that despite the resistance and contradiction, the conclusion is a reflection of the original principles, we understand the great strength of pure fear of God upon which everything is contingent and must always accompany one's pursuits. Ein Ayah, Shabbat 30b

Perhaps R. Gombiner's reference to the verse "What does joy do [for a person]?" is an allusion to the broader issues of Kohelet: its contradictory statements and how we deal with them. The message, as expressed by R. Kook, is that our intellectual pursuits may take us to places where there are contradictions and uncertainty, but we must always be rooted in our faith in God and this must guide our conclusions. The message that Kohelet provides about our intellectual pursuits is parallel to the message that Sukkot provides about our physical pursuits. Rashbam (c.1085-1158) explains why we sit in Sukkot specifically during the harvest season:

For this reason, we leave houses full of abundance during the harvest season and sit in Sukkot as a remembrance that [the Jewish people] didn't have estates in the desert or houses to dwell in. For this reason, God set the holiday of Sukkot during the harvest season of grain and olives so that we don't become arrogant about our homes full of abundance and say that it was our own hands that created this situation. Rashbam, Vayikra 23:43

Sukkot represents a time when a farmer should feel financial security. His warehouses are full and his short term needs are taken care of. It is as this time when the Torah states that we need to be re-educated about the basics, we must realize that our financial success and security is a function of God providing for us. We may have been more cognizant of this idea before we became successful, but are we still aware of it now? For this reason, the Torah tells us to ignore our financial successes and live in a temporary dwelling that is covered by the refuse of the harvest¹⁴ so that we can remind ourselves that our physical and financial security is provided by God. Through the sukkah experience, our physical pursuits are channeled back to our original point of departure when we realize:

The end of the matter, all having been heard: fear God, and keep His commandments; for this is the whole man.

Kohelet 12:13 (JPS translation)