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Divrei Torah for Sukkos 5784

DIVREI TORAH FROM



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The *Mitzvah* of the *Arba Minim* after the First Day of *Sukkos*

Harav Yona Reiss
Av Beth Din



We are accustomed to the practice of fulfilling the *mitzvah* of the *Arba Minim*, of taking the *Lulav* and the other three species (*Esrog*, *Hadassim* and *Aravos*), throughout the seven days of *Sukkos*, except for *Shabbos*, which is the first day of *Sukkos* this year.

However, it is important to remember that in the days of the *Beis Hamikdash* (Holy Temple), the *mitzvah* of taking and shaking the *Lulav* for seven days was only in the *Beis Hamikdash* itself, while in other locations the *mitzvah* was only for the first day. This distinction is recorded in the *Mishna* (*Sukkah* 41a) which states בראשונה היה לולב – ניטל במקדש שבעה ובמדינה יום אחד – “originally, the *Lulav* was taken in the *Mikdash* for one day, and in the rest of the country [*Medina*] for one day.”

Rashi (s.v. *B’mikdash*, *B’medinah*) indicates that the word *Mikdash* is a reference to the *Beis Hamikdash* alone and does not include Jerusalem, which Rashi writes was treated like the rest of the land.

However, the Rambam in his Commentary to the *Mishna* writes that the word *Medina* does not include Jerusalem, indicating that Jerusalem is treated the same as the *Beis Hamikdash*.

This distinction between the *Beis Hamikdash* and other locations is derived from the verse in the Torah (*Vayikra* 23:40) which states ולקחתם לכם ביום הראשון פרי עץ הדר כפות תמרims וענף עץ עבות וערבי נחל ושמחתם לפני ה' א-לקיכם שבעת ימים - “And you shall take for yourselves on the first day the fruit of the tree *hadar* [beautiful], branches of palm trees and the boughs of thick leaved trees, and willows of the brook; and you shall rejoice before the Lord your G-d seven days” (translation courtesy of the Koren Tenakh). The *Talmud* (*Sukkah* 43a) derives that the first part of the verse, referring to the *mitzvah* of taking the four species ביום הראשון - “on the first day,” is applicable to all locations (גבולין), while the latter part of the verse, which extends the *mitzvah* to seven days, is only applicable לפני ה'.

א-לקיכם - for those “rejoicing before the Lord,” namely in the vicinity of the *Beis Hamikdash*.

In fact, while the *Beis Hamikdash* was still standing, it appears that there was not even a rabbinic requirement to take the four species outside of the vicinity of the *Beis Hamikdash* following the first day of *Sukkos*. Furthermore, on the first day of *Sukkos*, there was no restriction against taking the *Lulav* and other species on *Shabbos* itself, although precautions were taken to ensure that individuals not carry the *Lulav* and other species in the public thoroughfare in violation of the prohibition against carrying items in the public domain on *Shabbos* (see *Mishnayos Sukkah*, 41b and 42b). On the other days of *Sukkos* when the *Arba Minim* species were only taken in the *Beis Hamikdash*, the *mitzvah* was suspended by the Rabbis on *Shabbos* based on the concern that a person might mistakenly carry his *Lulav* into a public thoroughfare to learn from an expert how to make the correct blessing or how to shake the *Lulav* properly (*Sukkah* 42b).



It was only after the destruction of the second *Beis Hamikdash* that R. Yochanan ben Zakai enacted a rabbinic ordinance (*Sukkah* 41a, *ibid*) that, in commemoration of the *Beis Hamikdash*, the *Arba Minim* should be taken and shaken in all locations for the full seven days of the *Sukkos* holiday, even though the *mitzvah* according to the Torah outside of the *Beis Hamikdash* was only on the first day. Furthermore, it was decreed (*Sukkah* 44a) that the *Arba Minim* should never be taken on *Shabbos* even on the first day of *Sukkos*, even in the land of Israel. Since the *mitzvah* could not be performed in the diaspora when the first day of *Sukkos* fell on *Shabbos* due to the uncertainty regarding whether that day was really *Sukkos* (since the messengers who were dispatched to report the date of the sanctification of the new moon by the rabbinical court in Israel may not yet have arrived), the Sages decided not to differentiate between the diaspora and Israel in this regard (*Rashi, Sukkah* 44a, s.v. ledidhu).

It follows that nowadays the Torah requirement of shaking the *Lulav* is only on the first day of *Sukkos*, whereas the requirement on all the other days of *Sukkos* is only rabbinic

in nature. Accordingly, this year, when the first day of *Sukkos* occurs on *Shabbos*, there is only a rabbinic fulfillment of the *mitzvah* of *Arba Minim*.

This has several ramifications. For example, there is a general rule that in doubtful situations (*safek*), one should be stringent regarding Torah laws, but can be lenient regarding rabbinic laws. Thus, in situations where there is a doubt whether any of the individual species is kosher for purposes of the *mitzvah*, there is more room for leniency after the first day of *Sukkos* (*Pri Megadim, Mishbetzot Zahav*, 649:10).

Secondly, there is a difference between the types of blemishes that would disqualify the four species on the first day of *Sukkos* as opposed to the remainder of the days of *Sukkos* (with respect to the special laws governing the second day of *Sukkos*, see below). The *Gemara* derives (see Rashi, *Sukkah* 36b s.v. *u'mashninan*) from the words *לכם ולקחתם לכם* - that there is a requirement for *לקיחה תמה* - that the species be whole and not deficient (*חסר*). However, this defect for a *Lulav* or *Esrog* is only applicable on the first day. Thus, if an *Esrog* would be missing its stem (*עוקץ*), it would be invalid only on the first day but kosher on the other days (see *Bikurei Yaakov, siman* 648:26). So too the requirement that the

four species be owned by the one fulfilling the *mitzvah* and not be borrowed (*שאול*) from somebody else, which is derived from the word *לכם* (*Sukkah* 41b), is only applicable on the first day of *Sukkos*, but not on the subsequent days (see *Sefer Arba'as Minim Hashalem*, page 96).

If there is a defect relating to *הדר* - to the “beauty” of the four species, such as if the *Esrog* would have a blister or black discoloration on its upper portion, there is a dispute among authorities as to whether this would be a disqualification only on the first day or even on subsequent days. The *Mechaber* appears lenient about this issue, while the *Rema* is stringent (*Orach Chaim* 649:5), so that in practice *Ashkenazim* are strict about this issue.

However, when there are multiple mitigating considerations, such as with respect to an *Esrog* that has lost its *pitom* (since according to some opinions the defect is invalid based on *חסר* which would be acceptable after the first day, and even according to the other opinions that the defect is based on *הדר*, there are opinions who hold that a lack of *הדר* is also acceptable after the first day), there is more room for leniency. In practice, such an *Esrog* could be used on the remaining days of *Sukkos* without a *brocha*, and can be used even with a *brocha* if there is an additional ground for

leniency, such as a case where the severed *pitom* is still hanging on the *Esrog* (see *Piskei Teshuvos*, ch. 648, n. 18), or was only partially cut off (*Sefer Arba'as Minim Hashalem*, page 72, n. 62).

There are similar considerations for leniency after the first day regarding a *Lulav* in which the middle leaf has been split, since according to some opinions the problem with a split middle leaf is a lack of לקיחה תמה (lack of wholeness) which is kosher after the first day, and even according to the other opinions that the problem is one of lack of הדר, perhaps the *Halacha* is like the *Mechaber* who holds that this type of defect as well is acceptable after the first day (see *Nitei Gavriel, Hilchos Arba'as Minim*, chapter 39, note 17).

According to *Tosafot* (*Sukkah* 29b, s.v. “*Be-inan*”), the Torah itself does not distinguish between the first day and subsequent days with respect to any disqualifying features of the *Arba Minim*. Rather, the distinction between the first day and subsequent days is based on a rabbinic decision to invalidate only severe defects, including defects of הדר (consistent with the ruling of the Rema), for all seven days. Therefore, in the *Beis Hamikdash*, where the taking of the four species is always a Torah requirement, all the disqualifications of the four

species would be applicable for the entirety of the *Sukkos* holiday.

Other authorities, namely the Ritva and the Ramban (see *Chidushei HaRitva, Sukkah* 29b) rule that the disqualification of using a borrowed set of four species, derived from the word ולקחתם לכם (*and you shall take*) is only applicable on the first day, even in the *Beis Hamikdash*. However, this is a unique exception that applies to this disqualification alone because it is not a חומר בגופן – i.e., it is not a defect intrinsic to the four species themselves.

Another possible distinction between the first day and subsequent days is with respect to the intention of the one performing the *mitzvah*. Thus, Rav Shlomo Zalman Auerbach zt”l rules (*Halichos Shlomo, Sukkos*, 11:25) that when performing the *mitzvah* of the four species after the first day, we should specifically have the intention of doing the *mitzvah zecher lamikdash* – in commemoration of the *Beis Hamikdash*.

What about the second day of *Sukkos* in the diaspora, which is generally observed as if it were the first day of *Sukkos*? This question is especially relevant to us this year, when the first day that we will be taking the *Arba Minim* will be the second day of *Sukkos*. The Rambam (*Hilchos Lulav*, 8:9) rules that the leniencies

with respect to the four species of the subsequent days of *Sukkos* would be applicable nowadays on the second day of *Sukkos* outside of Israel, even though it is observed as a full-fledged replication of the first day. The *Kesef Mishneh* (ad locum) explains that since nowadays we are בקיאים בקביעת דירחא - we are knowledgeable about the exact times for the beginning of each month, there is no need to apply the special stringencies of the first day of *Sukkos* relating to the *Arba Minim* to the second day outside of Israel as well.

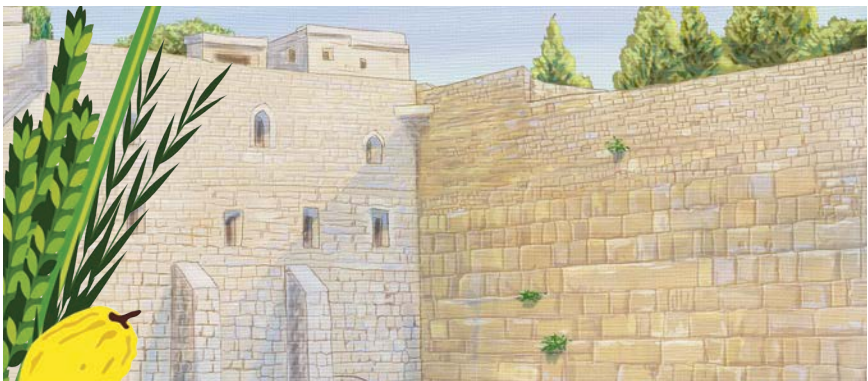
However, the Rosh argues (*Sukkah*, 3:3) that just as the second day of *Sukkos* outside of Israel is treated as the first day in terms of being a *Yom Tov*, it is appropriate to observe the stringencies of the first day with respect to the *Arba Minim* as well.

In practice, we adopt a compromise view, whereby we rule that if the *Arba Minim* possess disqualifying

features that would generally be acceptable after the first day of *Sukkos*, they may be taken, if necessary, on the second day as well, but without the recitation of a blessing (*Shulchan Aruch* 649:5, *Mishneh Berurah* s"k 50).

A final question is whether the seven-day Torah obligation in the *Beis Hamikdash* is applicable nowadays in the Old City of Jerusalem. As previously indicated, the Rambam indicates in his commentary to the *Mishnah* (*Sukkah*, chapter 3) that Jerusalem has the same status of the *Beis Hamikdash* in terms of requiring the taking of the four species for the entirety of the *Sukkos* holiday.

Based on the Rambam, Rabbi Yaakov Ettlinger (*Bikurei Yaakov*, *siman* 658:1) opined that a Jew in the Old City of Jerusalem can fulfill the Torah obligation of taking the *Arba Minim* for the full seven days of *Sukkos* (other than *Shabbos* due to



the rabbinic decree). Furthermore, he held that within the Old City of Jerusalem, all the disqualifications applicable to the four species on the first day of *Sukkos* would pertain to the entirety of the *Sukkos* holiday, including not using “borrowed” four species, in accordance with the opinion of *Tosafos*. One would also have to be stringent in Jerusalem regarding any “doubtful” disqualifications of the four species for the entire duration of *Sukkos* (*Sefer Arba’as HaMinim Hashalem*, page 302).

Accordingly, there are those who travel to the Old City of Jerusalem after the first day of *Sukkos* to perform a potential fulfillment of the Torah obligation of the *Arba Minim*. However, Rav Tzvi Pesach Frank (*Sukkos* 2:13) notes that it is not clear that someone who began the day outside of Jerusalem can become subject to the Torah obligation by arriving in Jerusalem in the middle of the day. Therefore, he recommends that someone who wants to observe this stringency should try to be in the Old City by the crack of dawn.

Even though it seems that most authorities reject the opinion of Rabbi Ettlinger (see, e.g., *Orot Chag HaSukkos*, chapter 42, noting that the Rambam’s own formulation in the *Mishneh Torah* does not equate Jerusalem with the *Beis Hamikdash*),

his novel insight represents, on some level, an ideal fulfillment of the enactment of R. Yochanan ben Zakai to shake the *Lulav* for seven days outside of the *Beis Hamikdash* after its destruction. After all, the *Gemara* (*Sukkah* 41a) records that the purpose of this enactment was to motivate us to yearn for the rebuilding of the *Beis Hamikdash* (ציון היא דורש אין לה - מכלל דבעיא דרישה). Included in this aspiration would seem to be the desire to fulfill the *mitzvah* in its original form when it remained a Biblical obligation in the *Beis Hamikdash* all seven days of the holiday.

By contemplating the possibility of fulfilling the *mitzvah* of *Lulav* in Jerusalem after the first day of *Sukkos* in the same manner as the *mitzvah* was fulfilled in the *Beis Hamikdash*, and by appreciating how fortunate we are today to be able to travel to Jerusalem altogether, we stir up our yearnings for redemption. May the day come soon when we will return to Zion and rejoice in the complete fulfillment of the *mitzvah* of the *Arba Minim* in the eternal *Beis Hamikdash* upon the arrival of the *Moshiach*, may it happen speedily in our time.

Coca-Cola Crates and *Sukkos*: Is It the Real Thing?

Rabbi Akiva Males
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On October 3, 2004, *The New York Times* ran a human interest story about *Sukkos* entitled, “Holiday Fixtures, From Coke Crates to Sukkah Depot”.¹ The article opens with the following account:

Rabbi Berl Haskelevich, 58, is no environmentalist. A cabala scholar, he can barely keep his recyclables straight. But this time of the year, he reuses several hundred plastic Coca-Cola crates to make a sleek red hut on the front porch of his brick house in Brooklyn.

Fitting the cases neatly together

like Lego pieces to form solid plastic walls, he builds his *sukkah*, the makeshift structure that many Jews use to celebrate *Sukkos*, the weeklong holiday of the harvest that started at sundown on Wednesday.

“What can I say? I drink a lot of Coke,” said Rabbi Haskelevich, standing on the front porch of his house on Montgomery Street in Crown Heights, where many of the stately brick homes have *sukkot* (the plural of *sukkah*) on front porches and balconies. The rabbi had accumulated many Coke cases, and the youngest of his nine children first suggested



¹ Available online at: <https://www.nytimes.com/2004/10/03/nyregion/holiday-fixtures-from-coke-crates-to-sukkah-depot.html>

using them as *sukkah* building blocks.

“It’s my third year using them,” he explained. “They don’t get rotten like wood. It’s sturdy, and it looks beautiful. I get a lot of compliments.”

If Coke ever wants the cases back, he added, “then we have a problem.”

At first glance, it would seem that the Haskelevich family’s *Sukkah* is problematic – even if no Coca-Cola representative ever showed up asking for the company’s red crates back. After all, *Halacha* invalidates a *Sukkah Gezulah* – a stolen *Sukkah* (see *Sukkah* 9a). Since the soda cases are the property of the Coca-Cola Company (as printed on the cases), and they are not meant for personal use, it would be against the company’s wishes to build a *Sukkah* with them. As clever as such a red structure might be, it would seem that one would not fulfill the *Mitzvah* of *Sukkah* with a *Sukkah* made of Coca-Cola crates.

A few years ago, I was thrilled to see that this very topic is discussed by HaRav Shmuel Kamenetsky in *Sefer Koveitz Halachos* on *Sukkos* (11:3 and footnote 3). Rav Kamenetsky states that such a *Sukkah* is not considered a *Sukkah Gezulah*. Furthermore, one wishing to build

such a *Sukkah* would not need to contact the Coca-Cola Company and ask permission to use their crates for this purpose.

In footnote 3, Rabbi Doniel Asher Kleinman (the *Sefer’s* author) explains that he was able to clarify that the Coca-Cola Company only states that the crates are its property as a legal disclaimer. It’s not that they want their red crates back – rather, they just don’t want to be sued if someone tries building with them and gets hurt. By stating that they retain ownership of those crates, Coke can always claim that any personal use of those crates was unauthorized. As such, they are just protecting themselves from any potential lawsuits. It was based on Rabbi Kleinman’s research that Rav Kamenetsky ruled there’s no issue of a *Sukkah Gezulah* in using Coca-Cola crates for one’s *Sukkah*.

Rabbi Kleinman’s findings seem to be in sync with another family’s experiences. On October 19, 2016, the *NY Jewish Week* published an article entitled, “A Thirst For *Sukkah* Building”;² by Shmuel Wieder. In that piece, the author described how he had collected over 1,200 Coca-Cola cases to build his family’s *Sukkah* – and he’s not even a soda drinker!

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2 Available online at: <https://www.jta.org/2016/10/19/ny/a-thirst-for-sukkah-building>

A Nuanced Yom Tov

Rabbi Chaim Pollock

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The Torah makes it most clear. To fulfill the *Mitzvah* of the *Arba Minim*, you must be their owner. That is what we read (*Vayikro Perek 23/posuk 40*):

וּלְקַחְתֶּם לָכֶם בַּיּוֹם הָרִאשׁוֹן פְּרֵי הָעֵץ הָדָר
כַּפַּת תְּמָרִים וְעֵנָף עֵץ עֵבֶת וְעֵרְבֵי נָחַל
וּשְׂמַחְתֶּם לִפְנֵי ה' אֱלֹהֵיכֶם שִׁבְעַת יָמִים:
You shall take for yourself on the First Day of Sukkos-an Esrog, a Lulav, a Hadassim branch and willows and you shall rejoice before Hashem your G-d for seven days.

And the *Shulchan Aruch* (*Orach Chaim 638/3*) *paskens* explicitly:

אין אדם יוצא ידי חובתו ביום ראשון בלולב
של חברו שהשאלו, דבעינן לכם, משלכם:
One does not fulfill the obligation of the Lulav on the First of Sukkos with borrowed Arba Minim; they require lo'chem – they must be yours.

The *Mitzvah* of *Sukkah* is quite different in this regard. The Torah writes (*ibid. posuk 42*):

בַּסֻּכּוֹת תֵּשְׁבוּ שִׁבְעַת יָמִים כָּל הָאִזְרָח בְּיִשְׂרָאֵל
יֵשְׁבוּ בַסֻּכּוֹת:
You shall dwell in Sukkos for seven days; every citizen of Israel shall dwell in Sukkos.

In contrast to the *Mitzvah* of *Arba Minim* where the Torah teaches *lochem* – they should be yours, here the Torah teaches *Kol HoEzrach* – everyone, altogether. *Chazal* (*Masseches Sukkah 27 b*) understood from this that

כל ישראל ראויים לישב בסוכה אחת.
All of Israel can dwell in one Sukkah.

Shulchan Aruch (*Siman 637/2*) codifies this statement:

יוצאין בסוכה שאולה.
One fulfills the Mitzvah with a borrowed Sukkah.

The *Sukkah* does not need to be one's property in order to fulfill its *Mitzvah*.

Is there something that we can learn from the dichotomy between these two central *Mitzvos* of our *Yom Tov* of *Sukkos*?

We read a *Midrash* in *Yalkut Shimoni* in *Parshas Emor* (651) regarding our taking the *Arba Minim*:

ישראל ושרי אומות העולם נכנסים לדין לפני הקדוש ברוך הוא בראש השנה לית אנן ידעין מאן אינון נצוחיא אלא ממה שישראל יוצאין מלפני הקדוש ברוך הוא ולולביהן

בידיהן ואתרוגיהן בידיהן אגן יודעין דישראל
אינון נצחיא.

Israel and the nations of the world who speak against us go before HaKodosh Boruch Hu on Rosh Hashana and we do not know then who is victorious. But when Israel goes out [on Sukkos] before HaKodosh Boruch Hu with their Lulavim and Esrogim in their hands, we know that Israel is victorious.

When we take the *Arba Minim* we have a sense of triumph; we have conquered the opposition and demonstrated our power.

Quite differently, the *Mitzvah* of *Sukkah* teaches us that we are not empowered. We do not demonstrate ownership of our abode, and, in fact, our abode is not at all impressive; it even has a leaky roof.

On the one hand, we note that the Torah's *Mitzvah* of *Arba Minim* is for one day only, as the *posuk* says 'On the First Day.' We have one day to truly celebrate the victory of conquest when we overcame the nations of the world.

On the other hand, the *Mitzvah* of *Sukkah* is for a full week, as the *posuk* says, 'Seven Days.' During those seven days of the *Yom Tov* of *Sukkos*, that incomplete structure becomes our permanent home. *Shulchan Aruch* (*Siman* 639) writes:

ודר בסוכה כל שבעת הימים, בין ביום בין
בלילה כדרך שהוא דר בביתו בשאר ימות
השנה.

We live in the Sukkah for the full seven days, day and night, like we live in our homes the rest of the year.

We remember our strength for one day but we are commanded to take an entire week to remember that we are not empowered, so that we do not say

כְּחִי וְעִצָּם יְדִי עָשָׂה לִי אֶת הַחֵיל הַזֶּה:
It was my strength and power that made all of my accomplishments.

The *Mitzvos* of the *Yom Tov* of *Sukkos* provide us with a balance, a necessary equilibrium, during its brief period and for the rest of our lives. There is a moment for a modicum of pride, recognizing our accomplishments and achievements. But that moment of pride and self-satisfaction needs an entire week to provide us with the necessary perspective.

Without that perspective, we can become prey to what we learn in *Masseches Sanhedrin* (38 a):

אם תזוה דעתו עליו אומר לו יתוש קדמך
במעשה בראשית

If one becomes conceited, we tell him, G-d created the mosquito before you.

One might ask, however, that the *posuk* of the *Arba Minim* doesn't speak of the first day only. It concludes with 'you shall rejoice before Hashem your G-d for seven days. This second clause teaches that the *Mitzvah* of *Arba Minim* lasted for the full week on *Sukkos* in the area of the *Beis HaMikdosh*. How

is that to be understood, in light of our understanding of the contrast between the two *Mitzvos* of *Sukkos*?

The answer is that when one celebrates victory ‘before Hashem your G-d’ in the *Beis HaMikdosh*, there is a built-in comprehension that it is *HaKodosh Boruch Hu* Who enables us to be victorious. Were it not for His kindness, who knows what the outcome of the *Yom HaDin* of *Rosh Hashanah* would have been!

The *Yom Tov* of *Sukkos* affords us the opportunity to gain the proper perspective upon the entirety of our lives, upon our personal and national existences. We are not to ignore our accomplishments; we

should not negate them whatsoever because מצוה גוררת מצוה, all that is good encourages further goodness.

Together with that very sense of ourselves, the centrality of *HaKodosh Boruch Hu* in every aspect of our being must be an integral part of our consciousness and awareness.

Dovid HaMelech taught us in *Tehillim* (Perek 16):

שׁוֹיִתִּי ה' לְנִגְדֵי תְמִיד כִּי מִיְמִינִי בֶּל אָמוּס:
I place G-d before me always; He is at my right side so that I will not falter.

The message of the *Yom Tov* of *Sukkos* is complete and encompassing and it is waiting for us to absorb it.

Coca-Cola Crates and Sukkos | Continued from Page 10

Mr. Wieder wrote: “Was it legal for me to own Coke crates? I called Coke headquarters. Officials there were not interested in having them back.”

(The author also humorously described another surprising *Halachic* detail about his red Coca-Cola crate *Sukkah*: “I spoke to my rabbi before I put up my *sukkah*. It is fully kosher, even conforming to the stringent “*Chazon Ish*” requirements — absolutely no nails.”)

To conclude, the validity of a *Sukkah* made from Coca-Cola crates is based on the reason why the company claims to maintain ownership of their soda crates. This also connects to something we’ll soon read on *Sukkos*. In *Megilas Koheles* (10:19) Shlomo HaMelech wrote: “וְהַכֶּסֶף יַעֲנֶה אֶת־הַכֶּלֶל” – and money answers everything.” Yes, quite often, financial concerns inspire us to contemplate many of life’s perplexing questions.

Wishing you a *Chag Same’ach*!

Eating in the Rain – Guidelines for Contending with Rainfall on the First and Second Nights of *Sukkos* 5784

Harav Yona Reiss
Av Beth Din



Generally, there is no obligation to eat in the *Sukkah* when it rains to the degree that the soup would get ruined. This is based on the exemption of “*mitztaer*” – of a person who is uncomfortable - from having to eat in the *Sukkah*. The Torah says that one should “reside” in the *Sukkah* for seven days in a manner akin to how one resides in their house, and therefore one is not required to “reside” in the *Sukkah* in a manner of discomfort which they would not tolerate in their own home.

However, many authorities hold that this exemption is inapplicable to the first night of *Sukkos*, and therefore there would be an obligation to eat at least a “*kezayis*” (an “olive’s worth” or approximately one fluid ounce) worth of bread in the *Sukkah* on the first night of *Sukkos* even if it is raining. According to this opinion, it would have even been permissible to recite the blessing of “*Leishev B’Sukkah*” in the rain during the first night. Others, however, disagree and hold that the exemption of *mitztaer* is applicable to the first night as well and therefore one would not have to eat in the *Sukkah* at all during the rain and certainly should not recite the blessing

of *Leishev B’Sukkah* (see generally, *Shulchan Aruch*, *Orach Chaim* 639:5, *Mishna Berurah* s.k. 35-36).

Due to the lack of resolution of this question, rain on the first night presents a special challenge. Therefore, it is appropriate to wait an hour or two (others hold until close to midnight, but that is not the prevalent custom) for the rain to stop before beginning the meal. If the rain does not stop within this time frame, then *Kiddush* should be made in the *Sukkah* together with the brocha of *Shehecheyanu* (but without the recitation of the blessing of *Leishev B’Sukkah*), followed by *Hamotzi* in the *Sukkah* and the eating of a “*kezayis*” of bread. However, if a person has hungry guests or members of the household who would have difficulty waiting, it would be permissible to make *Kiddush* with the brocha of *Shehecheyanu* (but without *Leishev B’Sukkah*) and *Hamotzi* right away in the *Sukkah* if the rain is not imminently coming to an end. Some hold that it is legitimate to rely upon this approach even in the case of a normal family that does not have guests.

If it is still raining, the rest of the meal can be eaten in the house, but if it stops

raining afterwards, one should return to the *Sukkah* to eat a “*Ke’Beiszah v’Od*” (the volume of “more than an egg” or slightly more than two fluid ounces) worth of bread and make the blessing of *Leishev B’Sukkah* at that time. If one already went to sleep when it stopped raining, most authorities hold that it is not necessary to return to the *Sukkah* to eat more bread and make the *Leishev B’Sukkah* blessing, but some authorities, such as the Vilna Gaon, feel that it would be appropriate to force oneself to return to the *Sukkah* at any point during the night when it stops raining. The *brocha* of *Shehecheyanu* does not need to be repeated at the time of reciting *Leishev B’Sukkah*.

If it is raining on the second night, the *Kiddush* together with the *brocha* of *Shehecheyanu*, followed by *Hamotzi*, can be said in the house (obviously, without the blessing of *Leishev B’Sukkah*) after waiting just a few minutes for the rain to stop (and certainly no longer than the waiting period during the first night), followed by the meal in the house, and then followed by eating in the rain a *kezayis* of bread in the *Sukkah* (without a *Leishev B’Sukkah*) before benching in the house. If the rain stops before one goes to bed, one should follow the procedure of the first night of eating *Ke’Beiszah v’Od* of bread in the *Sukkah* and reciting *Leishev B’Sukkah* before going to sleep. As with the first night, the *brocha* of

Shehecheyanu is not repeated at the time of reciting *Leishev B’Sukkah*.

On both nights, if it appears that the rain is about to start when one returns from shul, it is important to recite *Kiddush* in the *Sukkah* quickly (with both *Leishev B’Sukkah* and *Shehecheyanu*), and then to wash quickly, make *Hamotzi* and eat a *kezayis* of bread quickly before the rain starts to come down.

While it is ideally recommended to wait before making *Kiddush* until 7:26 pm¹ on the first night, and 7:25 pm on the second night (due to the second night this year being Motzai Shabbos, this time cannot be earlier on the second night in any event), it is recommended in the case of impending rain to recite *Kiddush* in the *Sukkah* as early as 7:18 pm² on the first night. (Times listed are for Chicago residents on Sukkos 5784/2023.)

All these restrictions and requirements only apply to men. Women, who are not strictly required by *halacha* to eat in the *Sukkah*, do not need to observe any of these waiting periods, and do not need to return to the *Sukkah* when it stops raining afterwards, although they are of course welcome to do so.

It is our fervent hope and prayer that we should merit to observe the mitzvah of sitting in the *Sukkah* in the optimal fashion during this upcoming holiday in good health!

Chag Same’ach to all.

¹ *Tzeis* – as defined as 50 minutes after *shekiyah*. See *Igros Moshe*, OC 4:62.

² 42 minutes after *shekiyah* (see *Igros Moshe*, id.).

FROM THE DAYAN'S DESK

Featuring Rav Yona Reiss
Av Beth Din of the Chicago Rabbinical Council

Weekly Shiur for Men
MONDAYS AT 8:00 PM

At Congregation KINS
2800 West North Shore Avenue
Restarting After Sukkos



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