

The Month of Elul and the Festivals of Tishrei (5779)

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Rosh Hodesh Elul and *Selihot*

- a. The month of Elul is a time of compassion and forgiveness. This tradition has its source at the time of the sin of the golden calf: Moshe's final ascent of Mount Sinai to plead for forgiveness on behalf of the nation took place, according to tradition, on Rosh Hodesh Elul. He remained there for forty days, until Yom Kippur, when Bnei Yisrael were finally forgiven for their sin.
- b. Our Sages associate many concepts with the month of Elul, including some verses in which the name "Elul" (i.e., the letters *alef, lamed, vav, lamed*) appears as a mnemonic: the words "I am my Beloved's, and my Beloved is mine" ("*ani le-dodi ve-dodi li*" – Shir ha-Shirim 6) hint to prayer; "The Lord your God will circumcise your heart and the heart of your descendants ("*et levavkha ve-et levav zar'ekha*" – Devarim 30) alludes to repentance; "from one person to the other, and gifts to the poor" ("*ish le-re'ehu u-matanot le-eyyonim*" – Ester 9) refers to charity. These three concepts are central to the process of repentance and forgiveness, as we declare: "And repentance and prayer and charity overturn the evil decree".
- c. It is customary, throughout Jewish communities everywhere, to perform mitzvot with special attention to detail during the month of Elul, as well as to increase one's Torah study and to pray with extra concentration and fervor. Such conduct represents worthy preparation for the High Holy Days at the beginning of the month of Tishrei.
- d. Sefardi communities recite *selihot* every day before *shaharit*, starting from Rosh Hodesh Elul, in accordance with the ruling of the Shulhan Arukh (Orah Hayim 581:1). Some begin from the first day of Elul (as the Shulhan Arukh prescribes) while others begin on the second day of Elul (the variation here appears to arise from different traditions as to whether Moshe ascended Mount Sinai on the first or second day of Elul). Ashkenazi communities "gather in the early hours to recite *selihot* on the Sunday preceding Rosh ha-Shana. If Rosh ha-Shana falls on a Monday or Tuesday, then we begin from the Sunday of the previous week", according to the Rema (ad loc.). Hence, this year Ashkenazi communities will commence *selihot* on Motzei Shabbat Parshat Ki Tavo (or, alternatively, early Sunday morning – 22nd Elul).
- e. The Shulhan Arukh speaks of the "early morning" (*ashmoret*). The Mishna Berura (as well as other later authorities) explains that "at the end of the night, the Holy One, blessed be He, goes about in this world, and it is a time of favor". Although the meaning of this statement is not altogether clear, its message is that the optimal time for reciting *selihot* is the early morning (seemingly, just prior to the dawn. According to the Magen Avraham, the "early morning" means the last three hours of the night.)
- f. As to reciting *selihot* before midnight, the Sha'arei Teshuva (Shulhan Arukh, ad loc.) rules against this practice: "For it is not proper to mention the Thirteen Attributes except at a time of favor. A person who is sitting there (in a synagogue that follows this custom) while they recite should remain silent, or recite Tehillim. He may, however, recite the *vidui* (confession) (with them). However, on Motzei Shabbat it is forbidden (to recite *selihot*) until after midnight, out of deference to the sanctity of Shabbat." In other words, the Thirteen Attributes – representing the crux of the *selihot* service – should not be mentioned before midnight, but one may recite the *vidui* before midnight (except on Motzei Shabbat). Rav Moshe Feinstein (Igrot Moshe, Orah Hayim 2:105) writes that "if it is impossible to arrange (*selihot*) after midnight, and the community will otherwise cancel *selihot*, it may be permitted in that particular circumstance, *le-khat'hila*, for there is no source for these matters in the Gemara; rather, they are based on the teachings of later authorities, on the basis of kabbalistic works. (Hence,) there is no actual prohibition involved; it is simply that (when recited before midnight) the Thirteen Attributes – concerning which we are promised that their recitation will not go unanswered – do not have the same power; they are then like any regular prayer. Therefore, in order that (the community) not miss out on *selihot* altogether and have no awakening to *teshuva* at all, it is preferable that they recite (*selihot*), (and it may be considered) even as a proper measure, in

this particular circumstance.” He goes on to add: “If possible, they should try to do this at the end of that section of the night, for the Shulhan Arukh (1:2) states that it is good to offer supplication at the times when the sections (of the night) change over, for then prayer is accepted with favor... In a difficult situation such as this, one may rely on this.” The “Yalkut Yosef” rejects this view out of hand: “Anyone... who is familiar with kabbala knows... therefore, in a place where it is customary to recite *selihot* during the early part of the night, it is proper to stop them and to put an end to their practice, since it is a mistaken custom that has no basis or support.”

- g. As for the possibility of reciting *selihot* later on in the morning, the Arukh ha-Shulhan writes (581,4): “There are many references in the *selihot* to the fact that we are reciting it at night, prior to the dawn... and now, since in many places people recite *selihot* in broad daylight, they would be uttering untruths (were they to utter them). Therefore, they should skip over such phrases.”
- h. From all of the above we conclude that the order of preferences as to when to recite *selihot* is as follows:
 - The ideal time is at the very end of the night, aiming to conclude before sunrise. (On Rosh Hodesh, this means before 05:57; by the end of Elul this would be at 06:12).
 - It is also possible to recite *selihot* at night, after the middle of the night. (During the last week of Elul, the “middle of the night”, in halakhic terms, is at 00:39)
 - It is better to recite *selihot* later on in the morning (i.e., after sunrise) than before the middle of the night. (Even those authorities who are more lenient allow for the latter possibility only where absolutely necessary.)
- i. A point to ponder: it is difficult to justify seeking forced halakhic solutions simply for the purposes of convenience and a little more sleep. On the contrary, specifically during this period we are required to sacrifice a little in order to sense the atmosphere of the approaching Days of Judgment and to prepare for them properly.
- j. According to Ashkenazi custom, the shofar is sounded every morning after *shaharit*, starting from the second day of Rosh Hodesh Elul, but not including Erev Rosh ha-Shana. The Sefardi custom is to sound three sets of shofar blasts during the recital of the Thirteen Attributes, as part of the *selihot* service.
- k. Likewise it is customary to add “*le-david hashem ori ve-yish’i*”, in the morning and in the evening (some add it at the end of *minha*; others at the end of *ma’ariv*), up until Hoshana Rabba. In many Sefaradi communities this psalm is recited throughout the year, but even where it is not, it should be added during Elul.

Erev Rosh ha-Shana

- a. On Erev Rosh ha-Shana the *selihot* service is extended and elaborated upon; even a mourner is permitted to leave his house on this day to join in the recital of *selihot*.
- b. After *shaharit* it is customary to perform a *hatarat nedarim* (annulment of vows); some wait until Erev Yom Kippur. According to Ashkenazi custom, any three men can serve as a panel of “judges” for this purpose. There are two main approaches to the procedure: one is that each person stands in front of the panel of three and asks to annul his vows; the other is that a number of people can stand together in front of the three (following which they may exchange roles). The Sefardi custom is to appoint three important community personages to serve as the “judges”; the entire congregation stands in front of them, with one reciting the declaration aloud and the others following along in a whisper.
- c. *Tahanun* is not recited on Erev Rosh ha-Shana during *shaharit* and *minha*, but it is recited at the end of the *selihot* service, even if *selihot* ends after daybreak.
- d. Some men immerse in a *mikveh* before every Shabbat and festival. Even those who do not, however, should certainly do so on Erev Rosh ha-Shana and on Erev Yom Kippur.

Rosh ha-Shana

- a. On the first night of Rosh ha-Shana, candles are lit with the blessing, “*le-hadlik ner shel yom tov*” as well as “*shehehiyanu*”. (A woman who has already lit with the blessings does not say “*shehehiyanu*” again as part of Kiddush.)
- b. On the second night, “*shehehiyanu*” is recited again. Owing to the question as to whether this blessing is actually necessary on this night, it is customary to wear a new garment (while lighting candles) or to have a new fruit to eat (after Kiddush).

- c. When leaving the synagogue, on both days of Rosh ha-Shana, it is customary to wish others, “*le-shana tova kikhatev*” – some also add “*ve-tehatem*” (may you be inscribed [and sealed] for a good year).
- d. After Kiddush various symbolic foods are eaten, expressing our wishes for a good year. The foods differ from one community (and even one family) to another.
- e. After *minha* on the first day of Rosh ha-Shana it is customary to visit a spring of water and to recite *Tashlikh*. (The Vilna Gaon did not follow this practice.)
- f. Ideally, one should not sleep on Rosh ha-Shana (and for this reason *shaharit* begins immediately at dawn). If one is extremely tired, he may sleep after the middle of the day. A person who sits doing nothing is like one who sleeps. It is therefore a good idea to spend time studying Torah or reciting Tehillim.
- g. No preparations for the second night of Rosh ha-Shana may be undertaken – including candle-lighting - until the first day ends, at nightfall (19:15). It is a good idea to schedule *ma'ariv* for the second night a little late, preceded by a shiur on a topic relevant to Rosh ha-Shana, so that there is enough time (starting after nightfall) to prepare everything necessary for the evening meal.

Sounding of the Shofar

- a. Sounding the shofar is the central mitzva of Rosh ha-Shana. In order for everyone to fulfill their obligation properly, it is vital that the person appointed to sound the shofar is knowledgeable in all the relevant laws.
- b. Prior to the first set of blasts, he recites two blessings: “*lishmo'a kol shofar*” and “*shehehiyanu*”. He must intend that his blessings and shofar blasts will fulfill his own obligation and that of the entire congregation. The listeners must likewise intend to fulfill their obligation through his blessings and shofar blasts. After the blessings one should answer “*amen*”, but there should be no interruption of “*barukh hu u-varukh shemo*”.
- c. One should not talk about any matter not directly related to the prayers or the shofar blasts, from the time that the blessings are recited until the last of the blasts.
- d. The shofar blasts are divided into three “groups”:
 - The first group of 30, before *mussaf*, are called *teki'ot di-meyushav*.
 - The next groups, sounded as part of the three special sections of prayer that are the crux of *mussaf* (*malkhuyot, zikhronot, shofarot*), are called *teki'ot di-me'umad*. In some communities the shofar is sounded both during the individual, silent *amida* (30 blasts) and again during the repetition (30 blasts); in others, only during the repetition (30 blasts).
 - After the end of the repetition, the final group of blasts is sounded, to reach a total of 100.
- e. Although women are technically exempt from the obligation of shofar (since it is a time-bound mitzva), they have traditionally taken this upon themselves and this has become the established custom.
- f. Special care should be taken to ensure that the synagogue is absolutely silent for the sounding of the shofar. Hence, while small children who are noisy should not be brought to services at any time, on Rosh ha-Shana this is particularly important. Every parent must assume responsibility for his/her children.
- g. After the end of the service, an adult may not sound the shofar unless it is necessary to help others fulfill their obligation (i.e., they were not able to attend the synagogue). Children are permitted to practice sounding the shofar throughout the day.

The Ten Days of Repentance

- a. Wednesday, 3 Tishrei, is a public fast day (*Tzom Gedaliah*). The fast commences at dawn (4:47) and ends at nightfall (19:10 – according to Rav Tokachinsky, Tzom Gedaliah concludes 17 minutes after sunset). One may eat before dawn only if one had noted the intention to do so before retiring the night before. According to the Rema one may drink even if one hadn't noted the intention beforehand. The ill (even those not dangerously so) are exempt from the fast. Pregnant women and nursing mothers are completely exempt from the fast according to the Shulhan Arukh, though according to the Rema, only if “it causes them great suffering.” In

effect, leniency is practiced. Young girls and boys before bar/bat mitzvah age are exempt from the fast and may eat normally.

- b. *Selihot* continue up until Erev Yom Kippur.
- c. There are slight changes to the *amida* prayer: “*ha-melekh ha-kadosh*” and “*ha-melekh ha-mishpat*”; and we add “*zokhrenu le-hayim*” and “*mi khamokha*”. If one unthinkingly says, “*ha-el ha-kadosh*” and does not immediately correct himself to say, “*ha-melekh ha-kadosh*”, he must start the *amida* over again. If any of the other additions are mistakenly left out it is not necessary to repeat the *amida*. (According to Rav Ovadia Yosef, if one forgot to end the blessing “*hashiva shoftenu*” with the words “*ha-melekh ha-mishpat*”, he goes back to the beginning of this blessing; if he remembered only after completing the *amida*, he should recite again from “*torat nidava*”).
- d. After the *amida*, we add *Avinu Malkenu*.

Erev Yom Kippur

- a. It is a mitzva to eat and to drink on Erev Yom Kippur; it is forbidden to fast.
- b. *Selihot* are curtailed. *Tahanun*, *Avinu Malkenu*, *Lamenazeach* are not recited either at *shaharit* or at *minha*.
- c. Although the Beit Yosef opposed the custom of *kapparot*, Ashkenazim (and many Sefardim) follow the opinion of the Rema and perform *kapparot*. Practices differ in this regard: some slaughter a rooster (or chicken) for this purpose; others give money to charity instead.
- d. Yom Kippur does not bring atonement for wrongs that a person commits against his neighbor unless he first approaches his neighbor to apologize. It is therefore obligatory for every person to placate any person whom he has wronged by Yom Kippur (at the latest. Obviously, it is always preferable to do so immediately, and thereby prevent ongoing animosity.) It is also proper for every person in his own thoughts to grant completely forgiveness to any Jew who may have wronged him, even if the person has not apologized and asked for forgiveness.
- e. Men must immerse in a *mikveh* before Yom Kippur, even if they also did so on Erev Rosh ha-Shana.
- f. At *minha* on Erev Yom Kippur, prior to the final meal before the fast (*se'uda mafseket*), the *vidui* (confession) is recited.
- g. Although it is permissible to eat until sunset, it is preferable to finish eating by candle-lighting time (18:25), since it is a mitzva to extend slightly the period of time that is defined as holy.
- h. If a person finishes his meal early, he may still eat again afterwards, as long as he intended to do so before reciting Grace After Meals.
- i. The blessing recited over candle-lighting is, “*le-hadlik ner shel yom ha-kippurim*”, followed by “*shehehiyanu*”. Ashkenazi women light before reciting the blessing, as on Shabbat (unlike festivals, when one first recites the blessing and then lights with a match already lit). Having recited *shehehiyanu* over candle-lighting, a woman does not repeat the blessing with the congregation in the synagogue.
- j. It is customary to light a *yahrzeit* candle along with the candles for Yom Kippur.
- k. The table should be covered with a white tablecloth, and it is also customary to wear white clothes. Some men wear a kittel. Parents bless their children before leaving for the synagogue. Men don a tallit (with the appropriate blessing) before sunset (18:45).

Yom Kippur

- a. The night of Yom Kippur has the same status as the day for all intents and purposes.
- b. The prohibitions of *melakha* (labor) are like Shabbat, not like festivals.
- c. The prohibitions that apply to Yom Kippur are eating, drinking, washing, applying oils or perfume, wearing leather shoes, and marital relations. People who are ill, along with women who are pregnant, recovering from childbirth, or nursing, are required, in principle, to fast on Yom Kippur, with the exception of one who is dangerously ill or a woman within three days of childbirth (or seven days, if she is feeling particularly weak). If any question arises in this regard, a doctor and a rabbi should be consulted. Children from the age of 9 upwards should begin fasting, for as much of the day as they are able to, and should also refrain from washing.

Children of any age should not wear leather shoes. One is permitted to wash (only!) one's fingers upon awaking in the morning and after visiting the toilet, or for medical reasons, or to remove actual dirt (not sweat). A kohen washes his hands in the usual manner before *birkat kohanim*. The application of oil or ointment is permissible for medical reasons only. The prohibition against leather shoes includes shoes made of some other material with only a small piece of leather. It is preferable to wear slippers or other such thin-soled footwear that does not protect the foot as well as regular shoes. Throughout the night and the day of Yom Kippur a husband and wife must maintain all the physical bounds that are observed when she is *nidda*.

- d. Timetable for the end of Yom Kippur:
 - Sunset (last possible time for *birkat kohanim* during the *Ne'ila* service) – 18:44. According to Rav Ovadia the time is 18:57.
 - Sounding of the shofar: 19:04.
 - End of the fast: 19:17.
- e. On Motzei Yom Kippur it is customary to recite *Kiddush Levana*. In some communities *havdala* is recited first and the congregants have something small to eat, so that *Kiddush Levana* can be recited joyfully.
- f. *Havdala* is the same as on Motzei Shabbat except *bore minei besamim*. The blessing over the flame (*borei me'orei ha-esh*) is recited over a flame that has remained lit since candle-lighting (hence the *yahrzeit* candle), or that was lit from such a flame.
- g. It is praiseworthy to start building the sukka on Motzei Yom Kippur. However, construction should not continue late into the night, since neighbors may be trying to sleep.
- h. The days in between Yom Kippur and Sukkot are defined as a period of communal joy; one should not fast, nor is *Tahanun* recited.

Sukkot

Building a sukka

- a. According to the Torah it is forbidden to dwell in a stolen sukka, but a sukka that belongs to someone else and is used with that person's consent, or that is shared by several people, may be used.
- b. The prohibition against a "stolen" sukka includes both the branches for covering and the walls.
- c. Although it is rare for a sukka to be considered "stolen" (owing to various halakhic conditions), one should nevertheless observe the following precautions:
 - One should build the sukka within the boundaries of his private property, or in a place where he is permitted to build (subject to municipal by-laws, etc.).
 - The branches and walls should be acquired in such a way that there is no danger of "stealing": for instance, branches should not be cut in a place where such activity is forbidden, boards for walls should not be taken without permission, etc.

Sekhakh (covering for the sukka):

- a. There are three conditions for *sekhakh*:

- * It must be of plant origin
- * it must be something that cannot contract ritual impurity (and hence it must be something that was never made into, or part of, any sort of utensil)
- * it must be unconnected to the ground when it is placed over the sukka.

For example, the wooden leg of a ladder or chair – even if it is broken - cannot be used, even though it is made of something that once grew, because such an item may contract ritual impurity (or would have been able to when it was whole). Metal pipes are disqualified because they are inorganic, and also because they may contract ritual impurity. Pieces of wood that are not any sort of utensil or furniture are, in principle, permissible.

Our Sages add further categories of coverings that are unfit for use as *sekhakh*:

- A substance that once grew from the ground but has since changed its form – e.g., flaxen ropes, cottonwool.
- (Bound) bundles of branches.

- Branches that have a bad smell, or whose leaves fall off easily or dry out quickly.
- b. Wooden boards with a width of 4 *tefahim* (hand-breadths) or more are unfit for use as *sekhakh* according to all opinions. Concerning narrower boards, the Shulhan Arukh (629:18) states that they are permissible, even if they are sandpapered and hence resemble furniture, but concludes that the practice is not to use them. The Mishna Berura adds that even the narrower boards are regularly used to cover a dwelling and are therefore regarded as a (permanent) roof. Nevertheless, many authorities, including the Hazon Ish, used such planks as *sekhakh*.
- b. Woven reed mats / “permanent *sekhakh*”: since a woven mat that is meant for sleeping on is unfit for use (since it is capable of contracting impurity), one cannot indiscriminately place such mats over the sukka. Many authorities permit the use of the woven mats marketed as “permanent *sekhakh*” since they are produced in a different manner from ordinary mats and are specifically meant for use as *sekhakh*. For this reason it is important to check for halakhic approval (a “*hekhsher*”) on the package of permanent *sekhakh*.
- c. Pergola: Some pergolas have wooden planks affixed over them permanently, for shade. This “roof” may serve as *sekhakh*, subject to the following conditions:
- * The width of each plank should be less than 3 *tefahim* (24cm).
 - * There should be enough space between one plank and the next for rain to pass through.
 - * The sukka should have proper walls (see below) that are in place before the roof is set in place, or at the very least, there should be a framework that is one “*tefah*” wide, supporting the *sekhakh*, around the entire sukka. If the roof is in place before the walls are set up, the *sekhakh* must be “rebuilt” – meaning, some of the planks must be removed and then reset in place. This action must be repeated every year (even if in the first year the walls were up before the planks for shade were set in place) since otherwise it is considered a “pre-existing sukka”. Another option is to remove a small number of planks and to place regular *sekhakh* (palm branches, etc.) there instead.
- d. It is preferable that the planks not be affixed with nails; rather, they should be held in place by some other means. (According to the Arukh ha-Shulhan, Orah Hayim 629,32, affixing the planks with nails has the effect of turning the sukka into a permanent structure, which is not fit for use as a sukka.)
- d. “*Ma’amid*” and “*ma’amid de-ma’amid*” – The issue of what supports the *sekhakh* and how the *sekhakh* is held in place has halakhic bearing on whether the *sekhakh* is actually valid at all. The following practical conclusions arise from the discussion in the Shulhan Arukh (629,7) and the Mishna Berura (ad loc.),
- Ideally, *sekhakh* should not rest upon a basis which itself is not fit for use as *sekhakh* (such as, for instance, metal poles). Likewise, the *sekhakh* should not be affixed with nails or hemp ropes, since these are not fit for use as *sekhakh*, and there is a danger that the person may end up sitting in a sukka (or part of a sukka) that is covered with something which is invalid as *sekhakh*.
 - *Bedi’avad* (i.e., *post facto*), or where no other option is available, one may allow the *sekhakh* to rest upon something that may contract ritual impurity.
 - It is quite permissible to have *sekhakh* resting on a stone wall (since it would be quite unusual for a person to use stones as a covering for a shelter).
 - On the basis of the Shulhan Arukh (629,8) there are many authorities who permit one to place the *sekhakh* on top of wooden beams or branches which themselves are resting upon metal poles, but according to the Hazon Ish even this situation, where the “*ma’amid de-ma’amid*” (literally, the “support of the support”) is made of a substance that contracts ritual impurity, should ideally be avoided.
 - Tying up *sekhakh* with plastic clasps or wire: Based on the above sources, plastic or wire used for binding falls under the definition of “*ma’amid*”, and should therefore ideally not be used; *post facto*, or where there is no alternative, the sukka remains kosher. Some authorities are more lenient about permitting such bindings since they are of a lesser presence than “*ma’amid*” –the *sekhakh* lies in place even without them; they simply ensure that it will not be blown away by the wind. If planks of wood are placed over the *sekhakh* and these are then bound to the lower planks, the arrangement falls under the category of “*ma’amid de-ma’amid*”.

Walls of the sukka:

- a. Ideally the sukka should have four complete, firm walls.
- b. *Bedi'avad (post facto)* the sukka is kosher if, as a minimum, it has two sides and a “*tefah*” of a third side, in the following manner: the two walls must meet each other at the corner (e.g., a northern wall and an eastern wall, and the length of each must be no less than 7 “*tefahim*” (56-70cm) and at least 10 *tefahim* high. The third wall (on the western side, perhaps) can be just over a “*tefah*” in length, so long as it is less than 3 “*tefahim*” from the northern wall and it has a doorway further along towards the south side.
- c. A wall is considered kosher even if it is not complete, but comprised of four horizontal poles or beams at a distance of less than 3 “*tefahim*” from one another, and together reaching a height of at least ten “*tefahim*”. This is called a “*levud*” wall.
- d. While one’s construction may be based upon all sorts of clever halakhic technicalities, the result will not be an ideal sukka. As the Rema notes (630,5): “Nowadays it is customary to make complete walls, since not everyone is knowledgeable in the laws pertaining to the walls, and if a person does not have enough to build the walls properly, then it is preferable that he build three complete walls rather than four that are not complete.”
- e. The walls of the sukka must be firm and stable. Concerning sheets and the suchlike, the Shulhan Arukh rules that since the fabric cannot stand up to a moderate wind (and even if it is fastened well and will not be dislodged, it will nevertheless billow in the wind), they should be used only in conjunction with a framework of sticks (these being less than 3 “*tefahot*” wide). Fastening sheets well and ensuring a framework to support such walls is especially important in areas (like Efrat!) where the winds at this time of year are strong.

Sitting in the Sukka

- a. Throughout the seven days of the festival, a person should treat the sukka as his house, and carry out all of his activities there: meals, sleeping, Torah study, entertaining guests, etc.
- b. Technically, according to halakha, sleeping in the sukka is even more important than eating there: while snacks may be eaten outside of the sukka, one may not take naps outside of the sukka. While the Rema defends those who sleep outside of the sukka (some places are very cold; men wish to be together with their wives) he nevertheless concludes that it is proper to make the extra effort, and to have a special sukka that will allow him to sleep there together with his wife.
- c. As noted above, it is technically permissible to eat a snack outside of the sukka. What constitutes a substantial meal that must be eaten inside a sukka?
 - Bread – “*ke-beitza*” (54g), even if it is not part of a meal with other foods.
 - Cakes, crackers etc. made from the five types of grain – if it is eaten as part of a “meal”, as a group, then an amount of 240g is sufficient to require a sukka. According to the Magen Avraham, cakes etc. are considered like bread.
 - Fruit, vegetables – even a large quantity may be eaten outside of the sukka.
 - Foods eaten with bread (meat, fish, cheese) – if a substantial amount is eaten, or a group of people eat together, then they must eat in a sukka.
 - One may drink any quantity of water outside of the sukka.
 - Wine – if drunk in company, or a substantial amount, then it must be drunk in a sukka. Other “social drinks” (including tea and coffee) follow the same rule.
- d. People who are ill are exempt from dwelling the sukka, even if they are not dangerously ill but simply suffering from pain and dwelling in the sukka would cause them discomfort. (A person who is attending to someone who is ill is technically exempt as well, but only if the patient needs him on hand.)
- e. A person who has been dispatched to perform a mitzva is exempt from a sukka even if he lodges at a place where a sukka is available. According to the Rema (siman 38,8), although a person who is engaged in one mitzva is exempt from having to perform another, if he is able to fulfill both without extra effort, he should do so.
- f. A person who is on a journey (for some purpose other than a mitzva) is likewise exempt. Although a beraita in the Gemara, as well as some authorities, draw a distinction between day and night in this

regard, the Rema (siman 640,8) rules that if no sukka is available one may journey on even though he has not dwelled in a sukka by day or by night.

- g. Based on the above, it would seem that a person may set out on a journey for purposes of leisure, with full knowledge that there will be no sukka on the way or at his destination. However, Rav Moshe Feinstein (Igrot Moshe, Orah Hayim III, siman 93) rules that the exemption for travelers applies to people whose journey is for the purposes of business, etc., which is a legitimate need. Just as a person may be required to leave his home and travel for business purposes, so he may likewise leave the sukka. But this justification does not apply to travel for pleasure.
- h. Security personnel are exempt from the sukka so long as they are on duty, whether they are mobile (patrolling, etc.) or stationary.

The Four Species

- a. Since a lulav and etrog that are stolen are disqualified for use, it is important to purchase them from a reliable source, such that there is no suspicion as to their origin.
- b. For any question as to the physical characteristics of the lulav and etrog, a rav should be consulted. The following are general guidelines:
 - Lulav (palm): Minimum length – 4 *tefahim* (according to the Hazon Ish, 40cm; according to the Gerah Naeh, 32cm). The lulav must be green and fresh (not dried up), straight, and complete, with no parting of the *tiyomet* (the top part of the back of the lulav, where the doubled leaves meet). (Ideally, there should be no parting of the *tiyomet* at all; however, if it is only slightly parted, the lulav is still kosher.)
 - *Hadassim* (myrtle branches): minimum length – 3 *tefahim* (Hazon Ish – 30cm; Gerah Naeh – 24cm). The *hadassim* must be fresh and three-leaved over at least the majority of the required length, with no leaves that have fallen. On a *mehudar* (choice) myrtle branch, the leaves cover the stem.
 - *Aravot* (willow): length – same as *hadassim* (although some people take special care that when they are bound together, the *aravot* reach slightly lower than the *hadassim*). The *aravot* should not be dry and should not have missing or broken leaves. Usually the *aravot* need to be changed several times over the course of the festival, since they dry out quickly.
 - Etrog: as “clean” as possible, without spots in the area of the *pitam* (protrusion that grows on the end opposite the stem). The etrog must be non-grafted and completely whole. If the *pitam* has fallen off, it is disqualified; if it grew without a *pitam*, it is kosher. A good etrog should not be altogether smooth, but should have protuberances; ideal color – greenish yellow. Minimum size – the size of an egg.

Waving the Lulav

- a. A beautiful custom is to recite the blessing over the lulav and etrog inside the sukka, before leaving for the synagogue in the morning.
- b. Ashkenazim and Sefardim follow slightly different procedures:
 - Ashkenazim – One holds the lulav in the right hand (a left-handed person holds in his left hand), and the etrog, with the *pitam* facing downwards, in the other hand. One recites the blessing, “*al netilat lulav*”, and then turns the etrog upright (so the *pitam* faces upwards), and recites the “*shehehiyanu*” blessing (on the first day) and waves (see below, d.).
 - Sefardim: The lulav is taken up in the right hand (even by one who is left-handed) and one recites the blessing “*al netilat lulav*” and “*shehehiyanu*” (on the first day). One then picks up the etrog and waves. Some Sefardim hold the etrog, too, for the blessing, but it is not afterwards turned upright.
- c. It is customary for women, too, to dwell in the sukka and to take up the lulav and etrog. Ashkenazi women recite the appropriate blessings for these mitzvot (as for any other time-bound mitzvot that they observe). Sefardi women do not recite the blessing “*leishev ba-sukka*”; opinions are divided as to whether they should recite “*al netilat lulav*”.
- d. Waving the lulav and etrog – there are two different customs:

- Shulchan Arukh – the lulav and etrog are waved in all directions, clockwise, starting from the right – east (east, not Jerusalem!), south, west, north, up, down.
 - Ari z"l – south, north, east, up, down, west.
- e. At what points during *Hallel* are the lulav and etrog waved?
- Ashkenazim: The *hazzan* waves twice, at “*hodu lashem*” and at “*yomar na yisrael*”. The congregation waves four times, at each repetition of “*hodu lashem*”. The *hazzan* and the congregation wave twice at “*ana hashem hoshi'a na*”, and they wave again twice at “*hodu lashem*” at the end of *Hallel*.
 - Sefardim: The *hazzan* and the congregation wave once at “*hodu lashem*”, twice at “*ana hashem hoshi'a na*”, and once at “*hodu lashem*” at the end of *Hallel*.
- f. It is important to note that the most important waving is at the time of the blessing “*al netilat lulav*”; the wavings during *Hallel* are a custom instituted by the Sages. *Bedi'avad*, if one mistakenly waved the lulav and etrog in a different order, he has still fulfilled the mitzva.

12) Laws of Hol Hamoed

a. From the Pasuk (ויקרא כג לז): “These are the appointed times (Mo'adei) of Hashem which you shall call biblical holy times” the Talmud learns in Hagiga (דף יח ע"א) that the intermediate days of a Moed are called holy: “**Rabbi Akiva said: There is no need (for a special Pasuk to forbid work on Hol Hamoed). For it's written: “These are the appointed times of Hashem.” To what does the Torah refer to? If to the first day – behold it already says “Shabbaton,” and if to the seventh day, behold it already says “Shabbaton.” So the text is referring to nothing else but the intermediate days of the holiday, to teach that work is forbidden.**”

b. Our attitude to Hol Hamoed is not limited to the prohibition on work (detailed below), but also to positive Mitzvot, and special behavior. It is fitting to take note to the words of the Jerusalem Talmud (מועד קטן פרק ב הלכה ג): “Quoth R' Abba bar Memel, if only I had someone who would join me in permitting work on Hol Hamoed! Is it not so that they forbid work on Hol Hamoed so as to ensure that we eat and drink and are keep busy learning Torah, while others eat and drink and act frivolously”

c. Our Sages were divided as to whether holiday joyous behaviors on Hol Hamoed was the *same* as on the first and last days of the holiday itself; in any case, “**one must honor Hol Hamoed with food, drink and clean clothing so as not to behave as one would on ordinary weekdays, and the Maharil wore his Shabbat clothing**” (quoted from Mishna Berurah סק"א). It seems to be that the scenes from Hassidic neighborhoods, in which the Hassidim wear Shtreimels like they do on Shabbat, lending a holiday atmosphere to Hol Hamoed. It is fitting for us to also adopt this custom of dressing up (Rav Zevin z"l once commented about the religious character of Independence Day: “When Hassidim begin wearing Shtreimels on Independence Day, it will become a religious holiday.”)

Doing work on Hol Hamoed

- a. It is written in the Shulchan Aruch (תקל, א): “**On Hol Hamoed, some types of work is forbidden and some are allowed,**” and the Ramah added: “**According to the needs of the holiday our Sages made allowances.**”
- b. As the prohibition of work on Hol Hamoed was learned from different quotations of Torah (במסכת חגיגה דף יח), our Rishonim were of different opinions as to whether the basis of the prohibition is explicit in the Torah (or that the Torah empowered the Sages to permit work as needed), or alternatively that the basis of the prohibitions is rulings of our Sages (and the exegesis is only illustrative).
- c. Our Sages set five conditions for allowing work on Hol Hamoed:
- Irretrievable Loss:** Tending to objects that might be damaged if not dealt with in a timely manner, including: Watering gardens and agricultural fields that are normally irrigated and might dry up (but agricultural work that involves substantial labor and for which there is no special urgency during Hol Hamoed – should not be done); Picking fruits and vegetables that might otherwise spoil (even if there is no intention to eat them during the holiday); Milking; Veterinary treatment of animals; Purchase of articles that would not be available after the holiday; Using hired labor that would suffer financially if he doesn't work on the weekdays of the holiday; Payment of various bills in order to avoid paying late fees;

Fixing locks and fences, Writing down items that might otherwise be forgotten (many are lenient if the writing is done in a form deviant from one's normal method); Filming or photographing meetings or trips (opportunities that would not exist after the holiday).

Important Note: Loss vs Labor – if the loss is minor while the labor is great, one should not perform this labor. In marginal and problematic cases – it is proper to get a rabbinical opinion.

Items needs for the holiday: An extension to the concept of "אוכל נפש" cooking food and cooking utensils, including harvesting, milling, using fire, separating tithes תרומות ומעשרות, transporting food in vehicles, repairing pots and pans etc, (there is a more distant classification of "tools of tools," such as fixing a ladder in order to access food or fixing a car; in these cases it is permitted to only do unskilled work, but not professionally skilled actions), fixing a refrigerator or stove, medical and health needs, cleaning house (routine cleaning but not thorough care), and mending clothing needed for the holiday.

The case of a laborer who doesn't have what to eat: There are different classes of "דבר האבד" (irretrievable loss); one gives permission related to an **item** that would otherwise be lost and the other is for the **person**. The laborer (who has not what to eat) is permitted to do forbidden labor on Hol Hamoed. It is preferable not to do such labor in public.

Needs of the community: All community needs, including operating public services (commerce, banking, etc.), repair of public buildings including furniture (benches, etc.), road repair, public sanitation, trash removal, and repair of vehicles serving the public. [Halakhic authorities in our generation have different opinions about printing ("kosher") newspapers on Hol Hamoed, and the lenient opinion is that if such a paper is not printed, people used to reading papers will buy unsuitable newspapers and be morally affected.]

Non-professional work: "Non-professional" work, typically done by private individuals rather than professionals, is usually not strenuous.

Summary of this section: Noting the words of the Talmud in Moed Katan

(כ"ה יב ע"א): **Rav Hama bar Guria said in the name of Rav: The laws of Moed are like the laws of the idolatrous "Kutim" of Shomron. What is the applicable law? Rav Daniel bar Katina said in the name of Rav: We say that these are separate and not learned from each other.**" It is difficult to compare one halakha to the other, but each must be considered on its own merits.

In the Shulchan Aruch (תקל"ד) it is decreed: **"A strong rabbi should forbid work if can impose his will, and if a rabbi forbids work to save irretrievable losses so that the public will not be loose about all other work, no other rabbi can issue this public a Heter, permission to do work."**

- d. **Shaving and haircuts during Hol Hamoed:** Although shaving and taking a haircut are meant to improve one's appearance and should have been allowed during Hol Hamoed (like cooking food), the Shulchan Aruch rules (תקלא"ב): **"No shaving is allowed on the holiday even if one shaves before the holiday,"** and the Mishna Berurah adds: **"and that applies to haircuts as well."** The prohibition is not because work is prohibited, but rather, as the Mishna Berurah explains (סק"ג): **To encourage people to shave before the holiday, for if shaving were permitted during the holiday, people would rely on that in advance and would begin the holiday looking scruffy.**" Therefore, shaving was permitted only in cases of (obvious) emergency, when shaving could not be accomplished before the holiday, such as: a freed captive, released prisoner, an halakhic outcast, or someone who arrived from abroad, etc." Rabeinu Tam taught that he who shaved Erev Hag is allowed to shave during Hol Hamoed, but this opinion was rejected by the Halakhic Authorities, and in the Shulchan Aruch (תקלא"א) the ruling is that one who shaved on Erev Hag may *not* shave on Hol Hamoed.

Despite this, "Hanoda B'Yehuda" ruled in his time

(בשן"ת נודע ביהודה מהדורה קמא – או"ח סימן יג): **"...therefore in my humble opinion that even though one has shaved the day before the holiday and has an ironclad basis in Rabeinu Tam's ruling. And even though all the other Authorities disagreed, for a laborer who has nothing to eat, in my humble opinion it should be allowed. And particularly for those who regularly meet ministers and dukes and are accustomed to frequently shave, will have**

great bodily suffering if the beard is allowed to grow and will be mocked by the ministers. So such a person may rely on the aforementioned Heter.” This Heter aroused great opposition at the time, but the “Noda B’Yehuda” stood his ground (one can read his response in מהדורא תניינא צט, ק, קא).

In our epoch, R’ Moshe Feinstein (שו"ת אגרות משה חלק או"ח א סימן קסג): “...and therefore it is clear in our time, in our country, that those who shave daily, or even on alternate days or every third day, it is not forbidden to shave. And perhaps even the “Noda B’Yehuda” would have agreed, that the implication at the end of his responsa, applied to only a few individuals in his time and place.. but I myself generally do not issue a Heter except to me that has a special need or would endure special suffering, and if he prefers to rely on the Heter of Rabeinu Tam for asthetic reasons only, one should not protest, because fundamentally it is permitted.”

This question has not been resolved to the satisfaction of all contemporary Authorities; some prohibit and some permit. But it is clear that the Heter (which still has its opponents) only applies to one who shaves daily, but not to someone who lets his beard grow and only “fixes” it from time to time, or for those (mainly young men) who only shave in honor of Shabbat.

- e. **Cutting fingernails:** Sephardim and Ashkenazim disagree on this issue. The Rambam (and apparently also the רי"ף and the רא"ש) feel that it is allowed, and so ruled the author of the Shulcan Aruch (תלקב א). But the Ramah added: “**But there are those who are strict and prohibit it, and it is the custom to be strict and not cut them.**” The Mishna Berurah (סק"ב) adds that if only cut his nails on the day before the holiday, he may also do so on Hol Hamoed (like the ruling of Rabeinu Tam concerning shaving), since there are many who rule leniently in this regard.
- f. **Washing and ironing clothes:** Our Sages prohibited clothes washing for the same reason that they forbid shaving, namely that a person may intentionally leave the washing chores for Hol Hamoed, and consequently the same exceptional cases that permit shaving also apply to washing. They also allowed washing items that get dirty frequently (that even if washed the day before the holiday, they would soon need washing again), or for someone who does not have (תקמא ג) clothes to change daily (like underclothes or shirts). From the writings of the Ramah and the Mishna Berurah (ibid) it would seem permissible to iron (at home – non-professional work) as usual, and so ruled Rav Ovadia (ילקוט יוסף ז, עמ' תקיח).

Shmini Atzeret/Simchat Torah

1. The Gemara in Tractate Rosh ha-Shana (4b) determines: “Shmini is a holiday in its own right.” Rashi explains: “One must recite the *bracha* of *Shehechyanu* and it is its own holiday – not included under the rubric of the holiday of Sukkot.” *Tosefot* explains: “In other words – in *birkat hamazon* and in *Shmoneh Esreh* you mention Shmini Atzeret in place of Sukkot.”
2. Pursuant to the aforesaid, one recites the blessing of *Shehechyanu* when ushering in the holiday (women at candle-lighting and men in *Kiddush*) (unlike Rosh ha-Shana when the requirement to recite the blessing is ambiguous and therefore one also eats a new fruit and wears a new item of clothing, and unlike the seventh day of Passover when no blessing is recited),
3. In *Shmoneh Esreh* and in *birkat hamazon* one inserts '*et yom hashmini chag ha'atzeret hazeh*' or alternately, '*et yom shmini atzeret hachag hazeh*', each person according to his custom. A person who mistakenly mentions '*chag hasukkot*' must repeat the prayer.
4. One does not sit in the sukka - **very important especially for olim who were accustomed to doing so on Shmini Atzeret in *chutz la'aretz*.** Whoever wishes for whatever reason to sit in the sukka on Shmini Atzeret, must 'impair' it (by removing some of the *skhakh* before the holiday).
5. There are no special *halachot* for Shmini Atzeret, aside from the regular *halachot* of *yom tov* (*simchat haregel* and *ochel nefesh*).
6. Shmini Atzeret and Simchat Torah are two distinct holidays in *chutz la'aretz*. In Israel, they are consolidated into one day and therefore some of the *halachot* of Simchat Torah 'overshadow' Shmini Atzeret.
7. Three Torahs are taken out for Torah reading: '*Ve-Zot Habracha*' is read from the first,

- '*Bereishit*' from the second, and *maftir* from *parshat Pinchas* from the third.
8. Ashkenzim recite *yizkor* after the Torah reading and the Haftarah.
 9. Before *mussaf*, the prayer for rain is recited. There are various renditions of the prayer and diverse customs associated with it.
 10. The Rema writes: (סימן תרסט) **“And the last *yom tov* is called Simchat Torah since we rejoice and partake of a feast in honor of having completed the annual Torah reading cycle. And the custom is that the person who reads the final portion as well as he who reads '*Bereishit*' pledge money and invite others to feast. Another custom in these areas is to remove all the Torah scrolls from the Holy Ark during the *arvit* and *shacharit* prayers, while singing songs of praise to the Lord, and each community has its own customs. Furthermore, it is customary to encircle the *bima* with the Torah scrolls similar to the encircling performed with the *lulav* and this is all undertaken joyfully. It is also customary to call up many men to the Torah while repeating the same portion several times and this is not prohibited. Also, it is customary for all the youths to be called up to the Torah and the portion of “*Hamalach Hagoel*” read before them. And in the evening the portion regarding the vows is read, and each community follows its own customs.”**
 11. Though these customs are brought by the Rema, a great many of them are also practiced by Sefardim aside from the Torah reading in the evening of Simchat Torah. The Askenazi custom is to read portions from “*Vezot Habracha*” in the evening (3 or 5 men called up), the Rema's statement notwithstanding.
 12. The Mishna Brurah states: (שם, טז, ק): **“The *Aliya Raba* wrote: 'The verses imply that the public should rejoice in the *mitzva* to the utmost possible extent without the rowdiness that turns the joy into sorrow, G-d forbid. In that way those who do this detract from the joy of the *mitzva* and they should be admonished for this. The *Maharik* in *Shoresh 9* expounded upon the teaching that we should be careful not to annul any custom generally practiced in honor of Simchat Torah. Therefore, it is a sorry fact that in many places the custom of making merry and feasting on Simchat Torah has been abandoned, though on other days they do make merry and all their days are as holidays. And due to their many sins the honor of Torah has been violated, causing the Torah to be neglected and no one seeks it out, and we are all hope that the broken spirit of Israel be mended speedily in our days.”** The conclusion is, therefore, that we should make merry on Simchat Torah without debasing the holiday, though this is certainly not a license to cause others discomfort and suffering.
 13. The Mishna Brurah comments further on the aspect of heightening the joy of the holiday (שם, טז, ק): **“The *Maharik* in *shoresh 9* wrote in the name of Rav Hai Gaon: 'on this day we are accustomed to dancing, the old men too, when we recite the praises of the Torah. Therefore an effort should be made to sing and dance in honor of the Torah as it is written regarding King David z'l that he was 'leaping and whirling before the Lord' and the Ari z'l was quoted as saying that the highest degree that he ever reached derived from rejoicing vigorously in the joy of the *mitzva* and it was also written regarding the Vilna Gaon that he would dance before the Torah scroll with all his strength”.**
 14. In some places it is customary to perform *hakafot* during *mincha* too (this was the Ari z'l's custom according to by R' Haim Vital) and also upon the holiday's conclusion following *ma'araiv* (*hakafot shniyot*), and all this is undertaken in honor of the Torah and to rejoice in it.