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{ TOPIC }

Sitting in the Sukkah on Shemini Atzeres



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Sitting in the Sukkah on Shemini Atzeres

The subject of whether one should sit in the sukkah on Shemini Atzeres has been the topic of debate and discussion since time immemorial. There are many who have the custom not to sit in the sukkah (mainly chassidim), while there are many others who do. Others have the custom to eat there at night and not by day, or to only make Kiddush in the sukkah by day and then go inside.

There are those who sit in the sukkah on Shemini Atzeres, but their in-laws do not. What should they do? When people go to Eretz Yisrael for Sukkos where there is only one day of Yom Tov, should they sit in the sukkah on Shemini Atzeres? We will discuss some of the *halachos* and opinions related to this sensitive but important and practical area of halachah.

Introduction

The Gemara in *Sukkah*¹ vacillates between different opinions on the halachos of sitting in the sukkah and reciting a *brachah* of *Leisheiv Basukkah* on Shemini Atzeres, when there is a *safeik* over whether it is included in the Yom Tov of Sukkos. One interpretation is that all opinions agree that no *brachah* is made, but the argument is over whether one should sit in the sukkah. Another interpretation is that all agree that one should not sit in the sukkah, but the argument is over whether the *brachah* is made. The Gemara² concludes that one should sit in the sukkah without reciting the *brachah*,³ because it would seem odd to do so; if it is

1. 46b-47a.

2. 47a.

3. *Rashi, Sukkah 47a, "Ivruchei"*

איך ללמוד מה"ה בעולמו אלא י
אמור של הלכה בלובד... (ברכות ח')

כל השנה הלכות בכל יום מובטח להשתחוה לו שהוא בן עולם הבא... (גדה עב)

Shemini Atzeres then it is not Sukkos, and if it is Sukkos it is not Shemini Atzeres.⁴ In addition, if one recited the *brachah* it would look like he was adding to the Yom Tov of Sukkos, which is not allowed because of *bal tosif*.⁵

According to all opinions, one does not take *arba minim* on Shemini Atzeres. They are considered *muktzeh*, since there is a *safeik* whether Shemini Atzeres is part of Sukkos. Others say that since only the first day of Yom Tov is *d'Oraisa* and the other days are *d'Rabbanan*, on Shemini Atzeres we are lenient with it.⁶ However, sitting in a Sukkah can be beneficial for a person even if he is not doing it for a mitzvah (e.g. it is comfortable to sit there), and therefore can be considered *oneg Yom Tov*.⁷

The opinion that one should sit in the sukkah on Shemini Atzeres is quoted by many *poskim* (in *Chutz L'Aretz*).⁸ Those who eat in the sukkah on Shemini Atzeres should train their children to do the same.⁹

In Eretz Yisrael, where there is only one day of Yom Tov for both Shemini Atzeres and Simchas Torah, no one eats in the sukkah.¹⁰

As mentioned above, since the Gemara and many *poskim* maintain that sitting in the sukkah is required on Shemini

4. *Rosh, Sukkah* 4:5; *Rif, Sukkah*, page 22b; *Beis Yosef* 668; *Mishnah Berurah* 668:7.

5. *Mordechai, Sukkah* 772. For a discussion on *bal tosif*, see *Zechor L'Avraham* 5760-5761, 2, pages 495-498.

6. *Kesef Mishnah, Hilchos Shofar Sukkah Lulav* 6:13; *Levush* 668:1.

7. *Tosafos, Sukkah*, "meisiv"; *Beis Yosef* 668; *Kaf Hachaim* 9.

8. *Rif, Sukkah*, page 22b; *Kol Bo* 71; *Ohr Zarua* 2:317; *Rosh, Sukkah* 4:5; *Rambam, Hilchos Shofar Sukkah Lulav* 6:13; *Tur* 668; *Shulchan Aruch* 666:1, 668:1; *Magen Avraham* 668:3; *Yosef Ometz* 1058:23; *Ben Ish Chai, V'zos Habrachah* 1:13; *Chayei Adam* 153:5; *Noda B'Yehudah*, O.C. 40; *Elef Hamagen* 625:242; *Divrei Yisrael* 1:200; *Be'er Chaim Mordechai* 3:20; *Sha'ar Hatzion* 3; *Divrei Yisrael* 1:200; *Moadim V'zemanim* 1:92; *Mikadesh Yisrael, Sukkos*, page 291; *Rivevos Ephraim* 5:423. Refer to *Ritva, Sukkah* 47a.

9. *Chinuch Yisrael* 1:5:14; *Nishmas Shabbos* 7:451:2; *Mikadesh Yisrael, Sukkos*, page 292.

10. *Hamadrich Hatorani L'Eretz Yisrael*, page 57, 9-10.

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Atzeres (in *Chutz L'Aretz*), then why do so many not eat in the sukkah?

Different Customs

The *Tur*¹¹ quotes a custom of some to eat in the sukkah on Shemini Atzeres but not to sleep there. However, he says the custom is not to do this,¹² and those who sit in the sukkah should sit there by night and by day.¹³ There are those who make Kiddush, eat a bit in the sukkah and eat the rest of the meal in the house.¹⁴ Others do not eat in the sukkah at all on Shemini Atzeres (see below).¹⁵

Although the following *poskim* disagree, they quote the custom of some who did not sit in the sukkah: *Shiltei Geborim*,¹⁶ *Elyah Rabbah*,¹⁷ *Darchei Moshe*,¹⁸ *Bais Yosef*,¹⁹ *Taz*,²⁰ *Magen Avraham*,²¹ *Yosef Ometz*,²² *Be'er Heitiv*,²³ *Noda B'Yehudah*,²⁴ *Chachmas Shlomo*,²⁵ and others.

Those Who Did Not Eat in the Sukkah on Shemini Atzeres

Although there are many *poskim* who say one should eat

11. 668; see *Magen Avraham* 668:2.

12. Refer to *Magen Avraham* 668:2 for reasons why some do this. See *Yosef Ometz* 1058, page 234.

13. *Magen Avraham* 668:2.

14. *Aruch Hashulchan* 668:3; *Chayei Adam* 153:5.

15. Refer to *Elef Hamagen* 625:242; *Mikadesh Yisrael Sukkos*, page 294.

16. *Rif Sukkah*, page 23.

17. 668:2.

18. 668:2.

19. 668.

20. 675:1.

21. 668:2.

22. 1058 page 234.

23. 668:3.

24. *O.C.* 40.

25. 668.



איך לא להקדיש את הלילה לאלוהים? (ברכות ה')

in the sukkah on Shemini Atzeres, there are *Rishonim* who say it is not required and was not done.

Rashi says that in his times there were many *gedolim* (such as Rabbeinu Eliezer and Rabbeinu Shmuel) who did not eat in the sukkah on Shemini Atzeres at night.²⁶ In the thirteenth to fourteenth century, it is written that some did not sit in the sukkah.²⁷ The reason for the leniency was based on the *Yerushalmi* (see below). Rabbeinu Chananel²⁸ says the custom is to sit the *entire* day in the sukkah. The fact that he said “entire” indicates that there were those who did not sit the entire day in the sukkah in his days.²⁹ The Maharam Igra ate in his house at night and in the sukkah during the day.³⁰ The Maharil went to visit Harav Meir M’igra who ate in his house, and he did not object to it.³¹ The Lambardi family (in Italy) did not eat in the sukkah.³² The custom of the Baal Shem Tov was not to eat in the sukkah on Shemini Atzeres.³³ He practiced the custom of Eretz Yisrael because he lived with the *kedushah* of Eretz Yisrael.³⁴ The *Yosef Ometz*³⁵ says the Taryash family (about the sixteenth century) ate outside the sukkah, and they have upon whom to rely.

Some explain that there are those who ate inside at night because it was cold at night and the sukkah was not pleasant (see below).³⁶ They ate in the house because if they ate in

26. *Sefer Hapardes to Rashi*, page 240. See *Ravya 2, Hilchos Lulav* 695. Refer to *Da'as Torah* 668:1.

27. *Sinai* (journal) 73, page 254.

28. *Sukkah* 47a.

29. *Sinai* (journal) 73, page 256.

30. Refer to *Da'as Torah* 668:1.

31. *Maharil Minhagim, Hilchos Lulav* 6.

32. *Ibid.*

33. *Meiros Einayim*, page 22, 47; *Otzer Minhagei Chassidim* 22, pages 110-113.

34. *Haba'al Shem Tov Uvnei Heichlo Lenudi*, page 227.

35. *Ibid.*

36. Refer to *Da'as Torah* 668:1.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

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the sukkah it would appear as if they were doing it for the mitzvah and not for *oneg*.

One can see from the above sources that the custom of many to refrain from eating in the sukkah on Shemini Atzeres did not begin with chassidim; rather, it started much earlier.

Those Who Ate in the Sukkah

Rashi ate in the sukkah during the day and night of Shemini Atzeres.³⁷ Rashi's *rebbe* Rabbeinu Yitzchak also sat in the sukkah.³⁸ The Maharil ate in the sukkah during both night and day.³⁹ The Gra ate in the sukkah on Shemini Atzeres.⁴⁰ The Chasam Sofer *zt"l* ate in the sukkah.⁴¹ Harav Yosef Ber Soloveitchik *zt"l* opined strongly that one must sit in the sukkah.⁴²

The Yerushalmi

As mentioned above, some *gedolim* did not eat in the sukkah based on the *Yerushalmi* that says:⁴³ *Sukkah on the seventh day how? ...you need to make your sukkah pasul from midday⁴⁴ and make Kiddush in your home.* Rav Chaninah says one whose sukkah is pleasant should make Kiddush on the night (see below) of last days of Sukkos in his house and eat in the sukkah. If he wants to eat in the sukkah he still has to make Kiddush in his house, because when he says "Shemini Atzeres" in Kiddush, if he is still in the sukkah it is

37. *Sefer Hapardes* on Rashi, page 240.

38. *Ibid.*

39. Refer to *Da'as Torah* 668:1.

40. *Chayei Adam* 153:5.

41. *Minhagei Ba'al HaChasam Sofer*, page 45, 21.

42. *Nefesh Harav*, pages 220-221.

43. *Sukkah* 4:5. See *Pesikta D'Rav Kahana, pesikta* 28.

44. Refer to *Sha'arei Yosher* 4:84.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

a contradiction.⁴⁵ It is apparent from the *Yerushalmi* that if the sukkah is not pleasant (e.g. if it is cold or windy) then one does not have to sit in it on Shemini Atzeres.⁴⁶

Some explain that the *Yerushalmi* is referring to Eretz Yisrael, where there is only one day of Yom Tov, and even if one enjoys being in the sukkah he makes Kiddush in the house.⁴⁷ However, others say the *Yerushalmi* said *nights*, which indicates that even in *Chutz L'Aretz*, where there are two days of Yom Tov, one should make Kiddush in his house.

A Chiddush

There is a *chiddush* on the reason why people do not eat in the sukkah on Shemini Atzeres.⁴⁸ As mentioned above, there are two interpretations of the halachah regarding sitting in the sukkah on Shemini Atzeres, and the Gemara says the final halachah. However, Rav Yehudah ben Kalonimus says that the line in the Gemara that “the halachah is to sit but not [recite] a *brachah*” is not part of the original Gemara and was added in later.⁴⁹ Generally, if there are two interpretations of a Gemara we follow the second. In this case, the second interpretation is that all agree not to sit it in the sukkah but the argument is over whether a *brachah* is recited. Accordingly, he says we should not sit in the sukkah on Shemini Atzeres. He further questions, how we can sit in the sukkah after we ask for rain? Additionally, how can we say in Kiddush that it is Shemini Atzeres and then sit in the sukkah?

45. *Pnei Moshe* on *Yerushalmi*, *ibid.*, “tzorech.”

46. *Korban Nesanel*, *Sukkah* 4:5:7.

47. *Elyah Rabbah* 2.

48. *Yechusei Tana'im and Amora'im*, pages 328-330.

49. Some quote many other places in the Gemara where the word “*v'hilchasah*” is not *l'halachah* and/or was added after the completion of the Gemara. Refer to *Shitah Mekubetzes*, *Bava Metzia* 5; *Rashi*, *Brachos* 36a, “*v'hilchasah*”; *Rosh*, *Brachos* 36a:3, 6; *Maharshal*, *Brachos* 36b; *Ritva*, *Bava Metzia* 3a; *Rambam*, *Chullin* 116b; see *Divrei Menachem* 4:30.

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According to this, why does anyone sit in the Sukkah? He says that since *Chazal* said there have to be two days of Yom Tov in *Chutz L'Aretz*, if we do not sit in the sukkah on any of those days then they are definitely not Sukkos, and there is a concern of making Yom Tov disgraceful.

Other Reasons for the Lenient Custom⁵⁰

One should not think that those who do not eat in the sukkah on Shemini Atzeres are doing something against halachah, as there are reasons for their practice. Many great people have eaten outside the sukkah on Shemini Atzeres.⁵¹

The *Aruch Hasulchan*⁵² offers the following reason why many are lenient with sitting and eating in the sukkah on Shemini Atzeres:

If one would sit in the sukkah on Shemini Atzeres in a way that appears to be for the mitzvah of sitting in the sukkah, it would not be allowed. However, sitting in the sukkah if it is not for the mitzvah is permitted. In places where it is pleasant outside, one must sit in the sukkah on Shemini Atzeres just as he did the entire Yom Tov. (Since it is hot, it can be argued that it is not recognizable one is doing it for the mitzvah and therefore it is not a problem to do so on Shemini Atzeres as well).

However, in cold countries, if we were to exempt ourselves from sitting in the sukkah because of the weather, an entire Yom Tov could pass without sitting in the sukkah. Therefore, we have to sit in the sukkah and sleep there even if it is cold. On Shemini Atzeres, according to the strict halachah, one must sit in the sukkah in a way that it does

50. *Meishiv Tzedek*, by Harav Tzadok Hakohen M'Lublin, is an entire *sefer* dedicated to this topic. Refer to *Be'er Sarim* 1:9; *Chados Yaakov* 127; *Minhag Avoseinu B'yadeinu* 1, pages 142-163, in great depth; *Nitei Gavriel, Four Species*, pages 324-344, in great depth; *Rivevos Ephraim* 6:338:3.

51. *Otzer Minhagei Chassidim* 22, page 110.

52. 668:4-5.

איך ללמוד להלכה של אמונת של הלכה בלבד... (ברכות ח)

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

not appear that he is doing it for the mitzvah of sitting in the sukkah. This is not possible if it is very cold, since in that case one would only sit in the sukkah for a mitzvah. Therefore, there needs to be a *heker* so that it does not look like it is being done for the mitzvah. If one sleeps in the sukkah all Sukkos, he should not sleep there on Shemini Atzeres. One who does not sleep in the sukkah on Sukkos needs a different *heker*. Either he should not eat there at night, or he should eat there during the day only a bit and rest inside afterward. The best *heker* would be to eat in the sukkah by day and leave right away, to show he is not doing it for a mitzvah.

The *Yerushalmi*⁵³ appears to say that one should not sit in the sukkah on the eighth day of Sukkos. However, some say that the *Yerushalmi* is not arguing with the Gemara in *Sukkah* above, but it is talking about Eretz Yisrael and not *Chutz L'Aretz*, where there is an additional day because of a *safeik*.

At night, some do not eat in the sukkah because one says *Shehecheyanu* on Shemini Atzeres at night, and if you are eating in the sukkah it is a contradiction to the *Shehecheyanu* that it is a new Yom Tov.⁵⁴ They are of the opinion that the Gemara that said to sit in the sukkah was referring to during the day, when no *Shehecheyanu* is recited. Some do not sit in the sukkah by day either, since we ask for rain on Shemini Atzeres, and if we still sit in the sukkah then we will not want rain yet and the *tefillah* will not be sincere (see below).⁵⁵

Others say a reason to be lenient and not sit in the sukkah is because on Shemini Atzeres night one comes home late from shul and is very tired, and it is a bother to take the

53. *Sukkah* 4:5.

54. *Bais Yosef* 668.

55. *Taamei Haminhagim* 822, page 358.

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food etc. to the sukkah. If one does it, he is clearly only doing it because of the mitzvah of sukkah and not because it is pleasant, and it may be a concern of *bal tosif* (adding to a *mitzvah*).⁵⁶ Therefore, the custom of many is not to sit in the sukkah on Shemini Atzeres night.⁵⁷

The Sfas Emes⁵⁸ explains that when the Gemara says one should sit in the sukkah but no *brachah* is made, it was not saying one is obligated to sit in the sukkah, but rather that one is *allowed* to do so.

Some mention⁵⁹ if it is cold outside etc. one should not sit in the sukkah on Shemini Atzeres, but areas of *Chutz LAretz* that are warm, may not use this *heter* (see below).⁶⁰ Others also point out that the Gemara that says one should sit in the sukkah was only referring to warm climates.⁶¹ The *Lekutei Maharich*⁶² says that because of this reasoning many people do not sit in the sukkah on Shemini Atzeres, especially at night when it is cold and the sukkah is not pleasant to sit in.⁶³ If one has the sukkah in his house (i.e. his roof opens) he has no *heter* not to eat there, even on Shemini Atzeres.⁶⁴

Harav Yosef Ber Soloveitchik *zt"l*⁶⁵ says the custom not to eat in the sukkah is incorrect and originated when the

56. Refer to *Ritva, Sukkah* 31b; *Chayei Adam* 68:23; *Riviv Zahav* 2, pages 122-127.

57. *Otzros Yerushalayim* 235, page 556.

58. *Sukkah* 47a.

59. Refer to *Minchas Pitim* 668; *Sedei Chemed Ma'areches Sukkah* 1:7; *Toras Yekusiel* 2:98; *Lev Sameach Hachadash* 23:1; *Minchas Elazar* 4:31; *Divrei Menachem* 4:30. See *Maharshag* 1:35 for different scenarios involving the cold weather *heter*. See *Meishiv Tzedek*, pages 7-8.

60. However, it has to be cold enough that one would be exempt from eating in the sukkah (refer to *Maharshag* 1:35).

61. *Nefesh Chayah* 668.

62. 3, page 699 (new).

63. *Tosafos Rabbeinu Peretz, Sukkah* 47a. Refer to *Minhag Avoseinu B'yadeinu* 1, pages 152-153. See *teshuvah* in the back of *Sukkas Shalom*, pages 403-406 in depth, on this specific question.

64. *Nitei Gavriel, Four Species*, page 338.

65. *Nefesh Harav*, page 220. Refer to <http://bcm.org>.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

chassidische Rebbes would invite all their chassidim over to eat and hear *divrei Torah*, but the sukkah was not big enough. Since it would pain them not to hear their Rebbe, they all ate outside the sukkah. Eventually, they forgot the reason why they did so (namely, that there was no room) and they accepted not to eat in the sukkah as a custom of chassidim. This reason is quoted by the *Maharshag*,⁶⁶ the *Moadim V'zemanim*⁶⁷ and others.

Sitting vs. Sleeping

Those who hold one should sit in the sukkah on Shemini Atzeres may eat there but should not sleep there, because when one eats in the sukkah he is making a *heker* that it is not Yom Tov since he is not making a *brachah*, but there is no *heker* when one sleeps there.⁶⁸ However, others say that one may sleep in the sukkah on Shemini Atzeres as well.⁶⁹ The custom follows the latter opinion and one may sleep in the sukkah on Shemini Atzeres.⁷⁰ The Gra was so stringent with sleeping in the sukkah on Shemini Atzeres that even though if it is cold on other nights of Sukkos one does not have to sleep in the sukkah, on Shemini Atzeres he told his students to wear coats etc. and still sleep in the sukkah even

66. 1:35.

67. 1:92.

68. *Mordechai*, *Sukkah* 772; *Magen Avraham* 668:2; *Levush* 668:1. Refer to *Sha'arei Teshuvah* 668:3; *Chasam Sofer* O.C. 120; *Noda B'Yehudah*, O.C. 40; *Be'er Chaim Mordechai* 3:20; *Nemukei Orach Chaim* 558:2; *Kaf Hachaim* 6; *Hamo'adim B'halachah*, page 121. See *Lekutei Maharich* 3, page 698 (new). Refer to *Sedei Chemed*, *Ma'areches Sukkah* 1:8.

69. *Birchei Yosef* 668:3; *Machzik Brachah* 2; *Chayei Adam* 153:5 (quoting the opinion of the Gra); *Divrei Malkiel*, O.C. 32; *Mishnah Berurah* 668:6; opinion of Harav Chaim Kanievesky *shlit'a*, quoted in *Yom Tov Sheini K'hilchaso* 2, footnote 49. See *Elya Rabbah* 668:4.

70. *Mishnah Berurah* *ibid.*; opinion of Harav Elyashiv *zt"l*, quoted in *Kol Torah* 66, page 204 and *Ashrei Ha'ish* 3, page 191, 11; *Mikadesh Yisrael Sukkos*, pages 292-293. Refer to *Emes L'Yaakov* 668, footnote 580, that the custom is not to sleep there. Harav Yisroel Belsky *zt"l* did not sleep in the Succah on Shemini Atzeres.

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if it was cold.⁷¹ The Chasam Sofer slept in the sukkah on Shemini Atzeres.⁷²

Eating in the Sukkah on Shemini Atzeres

Those who eat in the sukkah on Shemini Atzeres should not linger there, but should eat and leave quickly.⁷³ There are those who say that on Shemini Atzeres, one should not eat foods in the Sukkah that would not require a *Leisheiv Basukkah* on Sukkos, but the custom is that one may eat those foods in the sukkah on Shemini Atzeres.⁷⁴ In addition, those who eat in the sukkah on Shemini Atzeres should not eat there until it is dark (i.e. they should not *daven* Ma'ariv early and eat before nightfall), or else it may still be Sukkos and they would have to recite a *brachah* of *Leisheiv Basukkah*.⁷⁵

Sukkah for Daytime Kiddush

Many have the custom not to eat in the sukkah at night on Shemini Atzeres, but to make Kiddush in the sukkah by day, eat some *Mezonos*, and then go inside for the meal.⁷⁶ Some explain that the whole meal is not eaten there because we *daven* for rain on Shemini Atzeres and one wants his *tefillah* to be answered (and he will not eat in the sukkah if it's raining). Another reason is⁷⁷ to show that we are not doing it for the mitzvah, since we are eating the main meal inside. In addition, if one would eat the whole meal in the

71. *Chayei Adam* 153:5. Refer to *Otzros Yerushalayim* 236, page 572. See *Moadim V'zemanim* 1:92.

72. As related in the *Ksav Sofer*, O.C. 120.

73. *Magen Avraham* 668:1; *Aruch Hashulchan* 3.

74. *Mishnah Berurah* 668:6.

75. *Magen Avraham* 3; *Levush* *ibid.*; *Kaf Hachaim* 10. Regarding one who *davened* Maariv early and eats in the sukkah on Shemini Atzeres, see *Aruch Hashulchan* (Teib) 668:4.

76. Refer to *Meishiv Tzedek*, a *sefer* on this topic. *Minchas Elazar* 4:31; *Lev Sameach Hachadash* 23:1.

77. *Lekutei Maharich* 3, page 698 (new).

sukkah in a cold climate, it would seem he was doing it for the mitzvah.⁷⁸ This was the custom of the Munkatchers, as well as that of Rav Tzvi Elimelech of Dinov and others.⁷⁹

Hot Climates

As mentioned above, according to some *poskim*, if it is cold outside one does not have to eat in the sukkah on Shemini Atzeres. Therefore, one may think the halachah may be different in a hot place. However, this is not so. Even if one is in a place where it is warm outside, one who has the custom not to sit in the sukkah on Shemini Atzeres can follow his custom, especially in places where it is hot and uncomfortable to sit outside. The customs date back hundreds of years, and one may follow his custom irrelevant of the specific climate where he is residing at that time.⁸⁰

Lights Out

If one forgot to set the lights in the sukkah to go on, Harav Yaakov Kamenetsky *zt"l* says that he should sit in the house, because if he sits in the dark it is recognizable that he is doing it for a mitzvah.⁸¹ Others say one should ask a non-Jew to turn on the lights.⁸²

Sukkos in Eretz Yisrael

It is very common for people from *Chutz L'Aretz* to go to Eretz Yisrael for Sukkos, and they are required to keep two days of Yom Tov. Are they allowed to sit in the sukkah there

78. Refer to *Minhag Yisrael Torah* 668, pages 187-188.

79. *Minchas Elazar* 4:31.

80. Refer to a *teshuvah* on this specific question in the back of *Sukkas Shalom*, pages 403-428, in great depth.

81. *Emes L'Yaakov* 668, footnote 580.

82. Opinion of Harav Chaim Kanievesky *shlit"l*, quoted in *Halichos Chaim*, page 106, 211. Refer to *Melachim Amneich* 11:3.

כל השנה הלכות בכל יום מובטח לישוא בן עולם הפא... (נדדה עב)

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on Shemini Atzeres, even though nobody there sits in the sukkah on that day?

The *poskim* discuss this question. Some say if one is going to a hotel or house that he owns/rents where there will be a sukkah available, then he should eat in the sukkah if that is what he does in America. If he does not eat in the sukkah at home then he should not do so in Eretz Yisrael.⁸³ Some argue that one should not sit in the sukkah.⁸⁴ Others say if the sukkah is in a public place one should not sit there, because it may be a disgrace to those in Eretz Yisrael who do not sit in the sukkah.⁸⁵ Still others maintain that one should eat in the house or hotel at night, and during the day he should eat in the sukkah.⁸⁶

However, if one goes to visit someone who lives in Eretz Yisrael, he should eat with him in the house. The reason for this is that it is a bother to ask hosts to set up tables etc. in the sukkah if they do not eat there. In addition, many people do not eat in the sukkah at all on Shemini Atzeres in *Chutz L'Aretz*, so there are reliable opinions to do so.⁸⁷ In addition, there are *poskim* who say if one will end up sitting alone in

83. *B'tzeil Hachachmah* 5:146:2-3; *Yechaveh Da'as* 2:76; opinion of Harav Elyashiv *zt"l* quoted in *Kol Torah* 66, page 204; *Ashrei Ha'ish* 3, page 191, 12; *Ohr L'tzion* 3:23:11; *Be'er Moshe* 7, page 315:4; opinion of the *Be'er Moshe* quoted in *Rivevos Ephraim* 3:439:1, as well as the opinion of Harav Moshe Feinstein *zt"l*. See *Rivevos Ephraim* 7:183. Refer to *Alei Siach*, page 184, 34, that if one intends to go back to *Chutz L'Aretz* he should sit in the sukkah. Opinions of Harav Elyashiv *zt"l*, Harav Vosner *zt"l*, Harav Scheinberg *zt"l*, and others quoted in *Yom Tov Sheni K'hilchaso* 2:14, footnote 48. Harav Yisroel Belsky *zt"l* said one should sit in the sukkah in Eretz Yisrael if it is his custom.

84. *Minchas Shlomo* 1:19:1; *Shemiras Shabbos K'hilchaso* 31:40; *Shalmei Moed*, pages 178-180; *Halichos Shlomo, Moadim* 12:18; *Minchas Yitzchak* 9:54:2; *Ner Chaim*, page 6; *Teshuvos V'hanhagos* 1:321; *Even Pinah* 2:73.

85. *Avnei Yashpei* 4:69:3.

86. *Teshuvos V'hanhagos* 5:209.

87. *B'tzeil Hachachmah* 5:146:2-3; *Yechaveh Da'as* 2:76; *Ohr L'tzion* 3:23:11; *Otzros Yerushalayim* 235, pages 555-556. See *Mikadesh Yisrael Sukkos*, page 296. Refer to *Sedei Chemed, Ma'areches Sukkah* 1:9.



איך ללמוד להלכה של הלכה בלבד... (ברכות ח)

the sukkah then this is considered painful, and one who is in pain does not have to eat in the sukkah.⁸⁸

Sometimes parents take their (married) children to Eretz Yisrael for Sukkos and the son-in-laws may have the custom to sit in the sukkah, they should continue to do so even if the in laws do not and go inside for zemiros.⁸⁹

Eretz Yisrael Jew in *Chutz L'Aretz*

If one who lives in Eretz Yisrael comes to *Chutz L'Aretz* and is staying with someone who sits in the sukkah, he should sit in the sukkah as well. He should sleep in the house to show that it is definitely not Sukkos for him, but this should be done privately.⁹⁰ However, if the person is alone in the house, he should eat in the house.⁹¹

One Who Does Not Have a Custom

If one does not have a specific custom, he should sit in the sukkah on Shemini Atzeres.⁹² Some *poskim* say that even if his father has the custom not to sit in the sukkah, one should sit in the sukkah even against his father's will.⁹³ However, this should not be done without discussing it with one's *rav* beforehand. In any case, if one's parent is *makpid*, it is not in the spirit of Yom Tov for the son to sit in the sukkah and the parent to sit inside the house.⁹⁴

88. *Teshuvos V'hanhagos* 5:209; *Ohr L'tzion* 3:23:11; opinion of Harav Elyashiv *zt"l* quoted in *Kol Torah* 66, page 204. See *Avnei Yashpei* 4:69:3; *Divrei Chachamim* 489, page 171.

89. Harav Yisroel Belsky *zt"l*. Refer to *Sedei Chemed, Ma'areches Sukkah* 1:10.

90. *Sha'arei Teshuvah* 668:3; *Birchei Yosef* 4; opinion of Harav Elyashiv *zt"l*, quoted in *Ashrei Ha'ish* 3, page 191:12. Refer to *Kaf Hachaim* 6. See *Halichos Shlomo, Moadim* 2:21.

91. Opinion of Harav Elyashiv *zt"l*, quoted in *Ashrei Ha'ish* 3, page 191, 12.

92. Opinion of Harav Elyashiv *zt"l*, quoted in *Kol Torah* 66, page 204 and *Ashrei Ha'ish* 3, page 191, 11. Refer to *Mikadesh Yisrael, Sukkos*, page 293.

93. Opinion of Harav Elyashiv *zt"l*, quoted in *Kol Torah* 66, page 204 and *Ashrei Ha'ish* 3, page 191, 11; opinion of Harav Moshe Feinstein *zt"l*, quoted in *Divrei Chachamim* 489, pages 171-172.

94. Opinion of Harav Moshe Feinstein *zt"l*, quoted in *Divrei Chachamim* 489, pages 171-172.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)



In-Laws

A complicated question can arise when one has the custom to eat in the sukkah and his in-laws do not. Some will not go to their in-laws on Shemini Atzeres to avoid this. It seems that if one does go he should not eat in the sukkah, since it will cause friction and pain, and one who is in pain does not have to sit in the sukkah.⁹⁵ Some mention in either case one should continue his custom of sitting in the sukkah and come in for *zemiros* or dessert.⁹⁶

Conclusion

Although the Gemara says that one should sit in the sukkah on Shemini Atzeres we have a number of reasons to be lenient. The custom not to sit there actually dates back many centuries and was not made up by chassidim,⁹⁷ and there are many sources for this practice:⁹⁸

The *Yerushalmi* quoted above that gives a lenient opinion.

The opinion quoted above that the line of the Gemara was not placed there by the writers of the Gemara, but by others at a later time.

Out of the concern of reciting *Shehecheyanu* and eating in the sukkah, which appears to be a contradiction.

There is concern that it appears to be adding to the mitzvah of sukkah.

The Sfas Emes who says that the Gemara did not mean that one has to sit in the sukkah, but that one *may* sit there if he wishes.

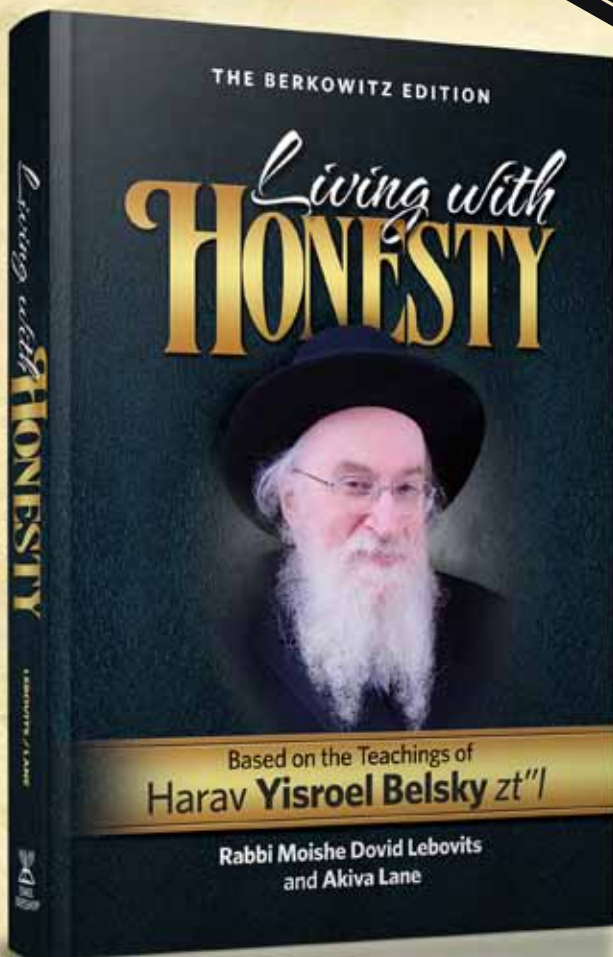
95. *Mikadesh Yisrael, Sukkos*, pages 295-296.

96. Harav Yisroel Belsky *zt"l*.

97. Refer to *Sinai* 73, page 261.

98. *Elef Hamagen* 625:242; *She'arim Metzuyanim B'halachah* 138:4.

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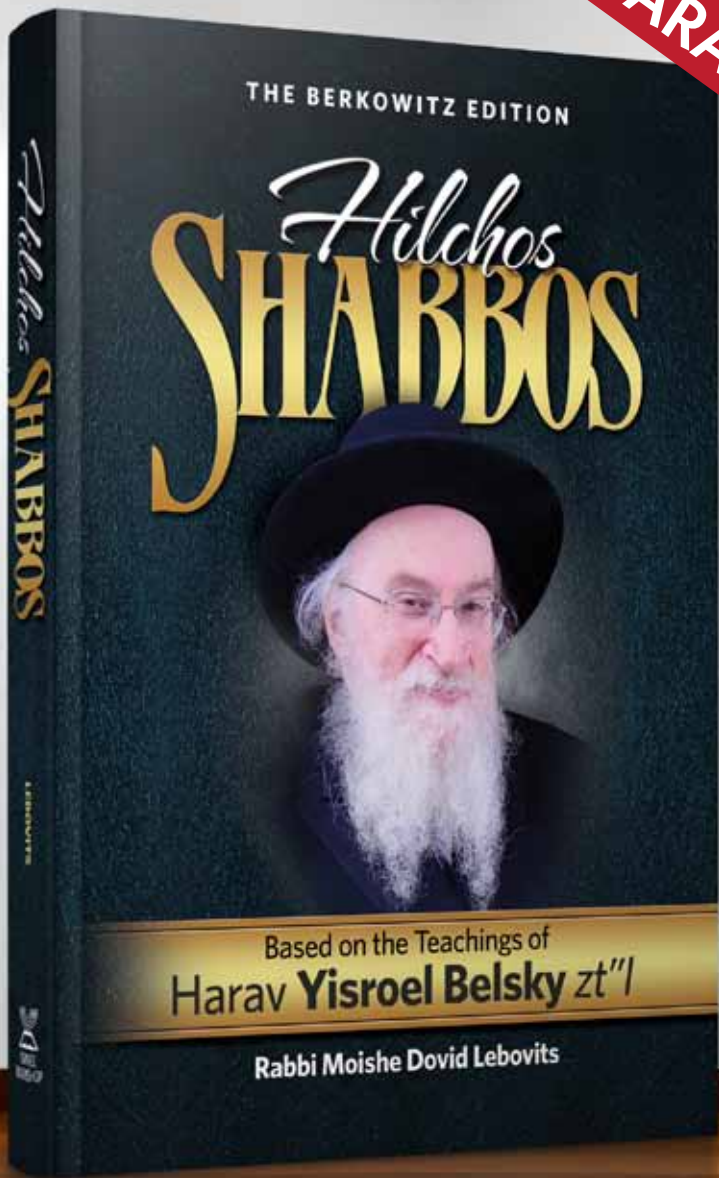


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A photograph of a BJ's Wholesale Club building with a large sign on the roof. In the foreground, there are shelves of pre-packaged kosher pareve products, including stacks of round loaves of bread.

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