



HEMDAT YAMIM

Parashat Hashavua

Haazinu, 13 Tishrei 5783

Harav Shaul Israeli zt"l
Founder and President

The Sukka to Focus on

Harav Shaul Yisraeli – an address from 5708 (1947) from V'samachta B'chagecha p. 7-8

The holidays are celebrated in *Eretz Yisrael* in beautiful sunlight, and the contrast to Europe is greatest on Sukkot. The days between Yom Kippur and Sukkot in *chutz la'aretz* were often days of wind and long rain showers, which put in doubt the prospect of sitting in the *sukka*. Only in *Eretz Yisrael* can we fulfill the *mitzva* with a feeling of how beautifully it fits in with the cultural life of society.

In *chutz la'aretz*, the *lulav* and *etrog* were reminders of previous times, giving encouragement during hardship and sending regards from the Land from which we were exiled. In *Eretz Yisrael*, the refreshing fragrance of the orchard beckons you to go out to the vineyards and join in the agricultural life cycle (Rav Yisraeli was the *rav* of a *moshav*).

Every citizen in Israel shall live in *sukkot* for seven days so that our generations will know that Hashem housed Bnei Yisrael in *sukkot* after the Exodus (Vayikra 23:42-43). To be a full citizen of our nation you must sit in a *sukka* and know its value. However, it is not always done with the same mindset. Each generation must learn its unique lesson from the *sukka*. There are two approaches to what *sukkot* we are commemorating – actual booths or divine clouds (Sukka 11b), and there are times to stress this one, and times the other.

When Bnei Yisrael were in exile and life was no more stable than a *sukka*, it was necessary to stress the divine clouds. While our *sukka* always seemed to be falling, it somehow survived (like our nation, with Divine Assistance). Hidden miracles happened each time, including times of the worst national tragedies. Hashem saved remnants of the nation and even brought them to Zion, as we have seen (see date above).

Many have made *aliya* after all that has transpired. On one hand, this is ideal, yet there are times that people think that it might have been better to settle in the Diaspora in easier conditions (like our forefathers reminiscing about Egypt). This is despite the fact that we saw what happened when we lived in foreign lands, the price we paid for eating the "vegetables of Egypt." When at first they came to *Eretz Yisrael* and wanted to rest, there were still *sukkot* and unusual living conditions. Then it was necessary to remember that Bnei Yisrael sat in actual booths in the desert. Then too, they did not make it immediately to the "resting place." They needed seven years to conquer the Land and seven years to divide it, before the "good and broad Land" was fully theirs.

The third element of the *sukka* is that it is a temporary dwelling. After integrating into the Land, one feels that he can build fully protective houses and be "independent." We may feel personal success in providing for ourselves (see Devarim 8:17). The *sukka* reminds us that we always need Hashem's mercy, including in *Eretz Yisrael*. In this Land, Hashem's eyes (i.e., providence) are at work from the beginning to the end of the year (see Devarim 11:12). We must continue building and planting but remember Hashem's intimate involvement.

At the Sukkot celebrations in the *Beit Hamikdash*, Hillel would say "If I am here, everything is here" (Sukka 53a). Rashi explains that "I" refers to Hashem. If Hashem is with us, there is value to and success with all nature's powers.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Traveling to a Place without a Sukka

Question: Is it proper to go on a trip to a place where one does not know that he will have access to a *sukka*?

Answer: The *gemara* (Sukka 26a) exempts from sitting in a *sukka* those who travel for *mitzvot* and even travelers for other purposes, but whereas the former are exempt day and night, travelers for optional matters are exempt only during the time of the day they are traveling. Tosafot (ad loc.) explains that whereas the *mitzva* exemption is one application of a broad exemption from *mitzvot* for those involved in other *mitzvot*, the traveler exemption is based on a concept unique to *sukka* – *teishvu, k'ein taduru*. This means that because the *sukka* should replace your house, things that one regularly does outside his house are not required to be done in the *sukka*. Therefore, travelers, who do not eat in their home, do not have to eat in a *sukka*. The Rama (Orach Chayim, 640:8) understands this leniency for a non-*mitzva* traveler to allow him to travel even if he will not have a *sukka* during his night stopover.

How is the traveler expected to seek a *sukka*? The Magen Avraham (640:15) says he is to build one, if one is not available at his stopping point. The Levush (OC 640:8) considers it beyond normal expectations (see Rama, OC 640:4) to toil so much as to build a *sukka* there. He posits that his obligation is to try to get access to a local *sukka*. The Biur Halacha (to 640:8) agrees with the Levush, as the Rama implies. Based on the basic sources, then, seemingly one may travel, as is a normal thing to do, and eat along the way outside a *sukka*, and if he stays in a place with a *sukka*, he should just seek one out if possible.

In recent times, Rav Moshe Feinstein (Igrot Moshe, OC III:93) claimed that the *gemara* referred to cases of commercial trips, but pleasure trips, which are not a reasonable need, have no leniency. (See Shulchan Aruch, OC 539:5 regarding when commerce is permitted on *chol hamo'ed*). Rav Feinstein raises another issue. Even if under the circumstances, one is exempt from *sukka*, Hashem looks critically upon those who put themselves in situations that obviate *mitzva* obligation, e.g., one who wears clothing that does not require *tzitzit* (Menachot 41a). Rav Moshe reasoned this applies here as well.

Normally, we react negatively to distinctions that go against *setimat haposkim*. In other words, if this common exemption were limited, earlier *poskim* should have pointed this out. Indeed, Rav Elyashiv's (see Dirshu 640:41) posits that recreational travelers also have the fundamental exemption. However, in this case, lack of precedent is a weaker argument than usual because until recent times, people rarely traveled recreationally away from their vicinity. Then, arguably, this case did not come up, and the assumption could have been that the traveler's exemption applied only to a standard need, i.e., a financial or other pressing one.

On the other hand, the sociological pendulum has turned some examples of recreation into a necessity of life, as for very many, Sukkot "glued to" around the home is a lost family opportunity. Many *bnei Torah* shorten summer holidays to be home (part of) *chol hamoed* (see Living the Halachic Process I,D-9). It is thus no light matter (sometimes on a par with financial loss) to curtail the opportunity to spend it in a memorable way with the family due to concern about the *sukka*. Rav Elyashiv (ibid.) is cited as distinguishing between this and avoiding *tzitzit*, as that is a problem when one does something unnatural and/or on an ongoing basis to get out of the *mitzva*.

Rav Elyashiv advised, as did Rav Ovadia Yosef (Yechaveh Da'at III:47), to use this exemption sparingly, and we would identify the following parameters as part of broad guidance: 1. How important is the recreational trip? 2. Does it have alternatives in places with a *sukka* or close enough to make it home to eat? 3. How long will the *sukka* hiatus be? Rav M. Willig suggested the following compromise: take the trip but look for a *sukka*, and if one cannot find one, eat things that do not require a *sukka*.

"Behind the Scenes" Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Considering an International Fast Day - #121

Date and Place: 29 Adar I 5668 (1908), Yafo

Recipient: Rabbi Aharon Katzenelson

Body: I received your two important letters, the open letter and the personal one. What can I say? My heart is broken into tiny pieces over the great crisis [ed. note – unknown to me], the physical and especially the spiritual, which our nation is in, as it is very damaging.

I wholly agree with your idea. First we must act with full force to close the breaches [in the wall of Torah observance]. This requires connecting all of the hearts of the righteous and scholarly in order to spread the light of Hashem, His sanctity, and belief in Him within Israel. We should look to employ old and new ideas. New ideas will sprout up from the Creator of Medicines, who brings salvations in every generation, according to the specific needs.

Having a broadly observed public fast day is a great remedy. It has a spiritual impact, awakening Hashem's mercy and the light of grace on His nation. It also has a psychological impact, awakening people to strengthen their commitment to Torah and Judaism and the "fortress of the tree of life."

Regarding my part, in order to initiate anything from *Eretz Yisrael*, it is necessary to receive the direction of the greatest, most venerable scholars, and foremost among them, is Hagaon Rav Shmuel Salant *shlita*. He agrees to call for an international fast day only when the singularly great rabbis of Russia call for it, for example, Rav Chaim Brisk, Rav Eliyahu Chaim Meisels of Lodz, the author of the Chofetz Chaim, and others like them. How good and proper it would be if Rav Eliyahu Baruch Kamai of Mir would help in this matter, as he could work together with the great rabbis I mentioned. I, the young one, would help to the extent I can for anything related to the sanctity of Hashem and the light of His salvation for His nation. Our eyes look toward His mercy which can be felt through the troubles, and we will be lit up by His light and truth.

Since you are the initiator, I urge you to complete the *mitzva*. I think the best day would be this coming 20 Sivan, may Hashem turn it into a day of joy and celebration. Hashem shall not despise our actions.

On the Publishing of Torah Volumes - #124

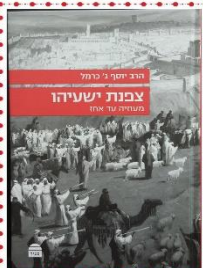
Date and Place: 2 Adar II 5668 (1908), Yafo

Recipient: Mr. Shmuel Kook, Rav Kook's brother.

Body: Regarding publishing, it is proper to start with the first pamphlet, as it is [ed. note – in a previous letter, Rav Kook discussed his brother's hesitation about Rav Kook's writing style]. Perhaps afterward, my breadth of thought will increase, when I see that which was published, and I will be able to improve my writing style.

The great yoke, in action and thought, that is upon me is a major impediment to my activities and my writing. May Hashem grant me freedom of thought to put everything in the time and place it belongs so that I will succeed to contribute with the limited strengths Hashem gave me. I have to calculate a lot and am able to act and write only a tiny amount. When I decrease the quantity, matters are at least clear in my spirit.

The situation forces me to speak, act, and sometimes write based on an awakening that comes from an external push. I have no talent in this area. My talents relate to that which spreads within my internal being, without being enslaved to the need to respond to external matters. When my writings progress from within, I eventually find blessing in it. If I force myself [to act and to write], I cannot do anything due to my weakness.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Responsibility of Workers for Water Leak

(based on ruling 81111 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) represents his neighbors in a residential building. *Pl* hired a contractor (=def1) to do renovations in their building. During his work, *def1* damaged the main water pipe of the building. He sealed it temporarily and brought in a plumber (=def2) to fix the pipe. *Def2* inspected the pipe and decided that the temporary sealing was sufficient, and so *def1* covered up the pipe with earth. After a few months, the residents noticed a significantly larger than usual building water bill. *Pl* called *def1* to inquire, and *def1* did not respond. Two months later, the bill increased even further, and they hired a professional, who discovered the leak. *Def2* then fixed the leak. While the neighbors received a discount from the water company, they are suing *def1* and *def2* for the extra amount of the water bills they paid.

Ruling: Although *def2* did not sign an arbitration agreement, he agreed during the hearing to join as a party to the suit. According to the accepted understanding of Arbitration Law (see *Borerut Din V'Nohal*, p. 55-58), it is sufficient to accept arbitrators orally if done in a clear manner.

Damages that come from a water leak are considered indirect damage. They are sometimes considered *gerama* (indirect damage), in which case, there is not always payment, and sometimes considered *garmi* (semi-direct damage), in which case, there is payment. In this case, there is a different reason to obligate the defendants. As professional workers, in whom their employers give trust to properly take care of their work, there is a heightened obligation, which includes indirect damages (see Bava Kama 99b-100a). This certainly applies to a plumber who confirms incorrectly that a leaky pipe does not need to be fixed further. (There are other times that it is not possible to hold a workman responsible, when he was not able to predict a damaging situation (see *Chukei Hatorah, Pitzuy Histamchut 4*.) In this case, while *def2*'s instrument indicated that there was no longer leakage, he had an obligation to come back the next day to confirm that this situation was stable before having the pipe covered up.

Since *def2* was working as a subcontractor for *def1*, *def2* is responsible for his shortcoming, and he must pay 6,243 NIS. *Def1* who had overall responsibility for the job has to pay 567 NIS, for the third professional that *pl* brought in and for part of *pl*'s fee to *beit din*. *Def1* also must serve as a guarantor for *def2*'s payment of his obligation, since he is the one who brought in *def2* under the umbrella of the job for which he was responsible. The neighbors also have responsibility. They did not diligently take care of the signs of leakage when initially getting a report of wasted water. They did not notify *def1/def2* early enough for them to minimize damage. Therefore, they must absorb part of the loss.

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Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

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