YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**the laws of THE FESTIVALS**

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This shiur is dedicated by Robert Pearl

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**THE LAWS OF SUKKOT**

**by Rav David Brofsky**

**Shiur #40: *Shemini Atzeret* and *Simchat Torah* (2)**

**Introduction**

 Last week, we began our study of the laws of *Shemini Atzeret*. We explained that unlike the festival of *Sukkot*, with its universal emphasis on the relationship between God and the nations of the world, *Shemini Atzeret* focuses upon the close and particular relationship between God and His nation. We examined the status of *Shemini Atzeret*, and the differences between *Shemini Atzeret* and *Sukkot*. We also discussed whether one who accepts *Shemini Atzeret* early must eat in the evening meal in the *sukka*.

 This week, we will discuss eating and sleeping in the *sukka* outside of Israel. In addition, we will relate to *Tefillat Geshem* and the commencement of inserting “*Mashiv Ha-Ruach*” in our prayers. Finally, we will present an overview of *Simchat Torah* and its relationship to its “host” festival, *Shemini Atzeret*.

**Eating and Sleeping on the *Sukka* on *Shemini Atzeret***

 We have previously discussed the institution of *Yom Tov Sheni* outside of Israel. Since the communities outside of Israel did not know the exact date of the month, they would observe two days of *Yom Tov* out of doubt. This custom continued even after the establishment of a set calendar. Therefore, outside of Israel, one observes two days of *Yom Tov* at the beginning of *Sukkot*, and two days of *Shemini Atzeret* at the end.

 Because of the *safek*, the “eighth day” – *Shemini Atzeret* – may actually be the seventh day of *sukkot*, at least in theory. Should someone outside of Israel therefore sit in the *sukka* on *Shemini Atzeret*? The Talmud (*Sukka* 46b–47a) cites a debate on this matter, recording that some maintain that one does not sit in the *sukka* at all, others maintain that one sits in the *sukka* and recites a blessing over the *sukka*, and still others are accustomed to sit in the *sukka* but not recite the blessing of *lesheiv ba-sukka*. The *gemara* concludes: “And the law is that we must indeed sit in the *sukka* but may not recite the benediction.”

 The *Rishonim* offer different interpretations of this conclusion.

The Rambam, in a responsum written to the Chakhmei Lunel (cited in Kesef Mishna, *Hilkhot* *Mila* 3:6), focuses on the inability to recite the blessing. He derives from this passage that one does not recite a *birkat ha-mitzva* when in doubt whether or not one is actually obligated in the mitzva. Accordingly, he concludes, one should not recite a blessing over the circumcision of an androgynous infant, as it is not certain that this *mila* is actually required.

Interestingly, the Kesef Mishna cites R. Meir Abulafia, the Rama, who notes that despite the fact that every *Yom Tov Sheni* is a *safeka de-yoma*, *Kiddush* and other blessings are still recited. Rather, he suggests that when the *berakha* would interfere, or undermine, another Biblical law, then a blessing is not recited. Although one may recite the blessings of *Yom Tov Sheni* on an ordinary weekday, even though there is a doubt, reciting the blessing over the *sukka* on *Shemini Atzeret* would undermine the sanctity of *Shemini Atzeret* by implying that it is actually a weekday, and it is therefore forbidden. We will return to this idea shortly.

The Rif (*Sukka* 22b-23a) – who agrees with the Rambam’s principle regarding reciting a blessing when one’s obligation is a *safek* – offers a different explanation:

Since it is *Shemini Atzeret*, making a *berakha* would lead to a contradiction: If it is a day of [sitting in the] *sukka*, then it is not *Shemini Atzeret*, and if it is *Shemini Atzeret*, then it is not a day of [sitting in the] *sukka*! Since we are in doubt, we act stringently on both counts. We eat in the *sukka*, but make no *berakha* and treat the day as *chag* [i.e., *Shemini Atzeret*].

The Rif insists that sitting in the *sukka* and reciting the blessing on *Shemini Atzeret* constitutes an inherent contradiction. The Chinukh (323) attempts to explain this contradiction:

The Rabbis commanded us to sit in the *sukka* to fulfill the obligation [of Jews outside Israel] to add one day to every holiday; hence, we add a day to *Sukkot* and make it eight days, but we do not make a *berakha* on the *sukka* on that day because it is really a different holiday altogether. Since nowadays we know the calculation of the calendar and hence the true date, it is more appropriate to make *berakhot* relating to the true character of the day rather than to the aspect of the day instituted by *Chazal*. One may ask: Why do we not mention both *Sukkot* and *Shemini Atzeret* in our blessings, as we do with regard to Shabbat and *Yom Tov* when they coincide? [The answer is] we find that it is possible for Shabbat and *Yom Tov* to occur on the same day, but **two different holidays cannot occur at the same time**, and hence we should not recite such a *berakha*. But it is perfectly appropriate to sit in the *sukka* on *Shemini Atzeret*, **since this does not detract from the holiday of shemini atzeret at all**.

The Chinukh explains that although sitting in the *sukka*, per se, does not contradict the day of *Shemini Atzeret* (see Tosafot, *Sukka* 47a, *s.v. metav*), it is not possible to recited blessings for two different festivals on the same day. It is this inherent contradiction that led the Rabbis to rule that one should sit in the *sukka* on *Shemini Atzeret*, outside of Israel, but not recite the *berakha*.

 The Ran (*Sukka* 22b) offers another explanation, which he believes is the proper understanding of the Rif. He writes that we do not recite the *berakha* of *lesheiv ba-sukka* on *Shemini Atzeret* “so that we do not come to treat *Yom Tov* lightly” (*le-zalzulei be-Yom Tov*). On a normal *Yom Tov* *Sheni*, we recite the *Yom Tov* *Kiddush* and prayers in order to ensure that one does not treat the second day of *Yom Tov* lightly (*Shabbat* 23a). In our case, we fear that one might treat the first day of *Yom Tov* lightly if we emphasize that it may only be the seventh day of *Sukkot*.

The Mordekhai (*Sukka* 772; see also Hagahot Asheri, *Sukka* 4:5) cites the Ra’avia, who explains that merely sitting in the *sukka* without reciting a *berakha* does not appear similar enough to the mitzva of dwelling in the *sukka* to violate the prohibition of “*bal tosef*," adding to the *mitzvot*. However, one may not sleep in the *sukka* on *Shemini Atzeret*; since no blessing is recited on sleeping in the *sukka*, this would appear no different than sleeping in the *sukka* on *Sukkot*, and it is therefore prohibited because of “*bal tosef*.” Although the Beit Yosef (668) argues on this point, noting that the *Rishonim* did not distinguish between sleeping and eating in the *sukka* on *Shemini Atzeret*, R. Moshe Isserlis records in the Darkhei Moshe Ha-Arukh that the custom is in accordance with the Ra’avia. The Mishna Berura (668:6) writes that although many Acharonim, including the Gra (Ma’aseh Rav 216), do not distinguish between eating and sleeping in the *sukka*, it is customary not to sleep in the *sukka* on *Shemini Atzeret*.

The *gemara* concludes, and the Shulchan Arukh (668:1) rules, that outside of Israel, one should eat in the *sukka*, but not recite the blessing of *lesheiv ba-sukka*. Many communities, however, are accustomed to eat in their homes on *Shemini Atzeret*, and to at most recite *Kiddush* and eat a bit on their *sukka*. Although this practice is often attributed to the custom of Chassidic communities, it already appears in the *Rishonim* (Machzor Vitry 384; see also Maharil, *Hilkhot Lulav* 6). What is the basis for this practice, which seemingly contradicts the explicit ruling of the Talmud?

Many *Acharonim* (see, for example, Minchat Elazar 4:31; Arukh Ha-Shulchan 668:3-5) base this custom on the words of R. Netanel Weil (1687–1769) in his notes on the Rosh, the Korban Netanel (4:7). The Korban Netanel notes that Tosafot (*Sukka* 47a, *s.v. metav*) explain that sitting in the *sukka* on *Shemini Atzeret* does not violate the prohibition of *bal tosef* because sitting outside in the *sukka* is pleasant; one might do so even if it were not *Sukkot*. But, the Korban Netanel notes, “if on that day it is cold, or if there is wind or another change in the weather, it would be inappropriate to sit in the *sukka* on the eighth day,” as then it would be clear that one is sitting the *sukka* for mitzva purposes, and this would be *bal tosef*.

The *Acharonim* explain that in Western and Northern Europe, where it was cold and windy on *Sukkot*, one who sat in the *sukka* on *Shemini Atzeret* is clearly sitting there in order to fulfill the mitzva. It therefore became customary to eat only the day meal in the *sukka* (see Tur 688), to make *Kiddush* in the *sukka* and then to eat inside, or not to eat in the *sukka* at all.

We discussed previously whether a visitor to Israel must keep one or two days of *Yom Tov*. According to those who rule that this visitor must observe two days, should he eat in the *sukka* on *Shemini Atzeret* even in Israel? R. Shlomo Zalman Auerbach (Minchat Shlomo 1:19:1; see also Minchat Yitzchak 9:54) rules that a visitor to Israel keeping two days of *Yom Tov* should not eat in the *sukka* on *Shemini Atzeret*. R. Ovadia Yosef (Yechaveh Da’at 2:76) writes, however, that although a guest at someone else’s home should eat with his host inside the house, one who is celebrating *Yom Tov* on his own or in a hotel should eat in a *sukka* on *Shemini Atzeret*. Others (see Responsa Be-Tzel Ha-Chokhma 5:146) insist that a visitor should eat in a *sukka* on *Shemini Atzeret*, even in Israel.

***Mashiv Ha-Ruach* and *Tefillat Geshem***

 During the winter months, between *Sukkot* and *Pesach*, when the Land of Israel urgently needs rainfall, we include prayers for rain in our *Shemoneh Esrei*. The *mishna* (*Berakhot* 5:2) teaches that we begin to mention God’s ability to bring rain in the second *berakha*, which describes God’s might (*Gevurot*) and culminates with the mentioning of the concept of *techiyat ha meitim* (the revival of the dead). Somewhat later in the year, we begin formally petitioning for rainfall in the ninth *berakha*, known as *Birkat* *Ha-Shanim* (the Blessing of the Years), which includes a request for agricultural and economic security. In each case, the insertion is a simple formula: We add “*Mashiv* *ha-ruach u-morid ha-geshem*” ([You] make the wind blow and bring down the rain) in *Gevurot*, while in *Birkat Ha-Shanim* we change the words “*ve-ten* *berakha*” (and grant a blessing) to “*ve-ten tal u-mattar li-vrakha*” (and grant dew and rain as a blessing). We will refer to these additions, respectively, as *Mashiv Ha-Ruach* and *Ve-Ten Tal*.

We begin to insert *Mashiv Ha-Ruach* on *Sukkot*. *Sukkot*, referred to in the *mishna* simply as “*Chag*” (Festival), is when we are judged for rain (*Rosh Ha-Shana* 1:2). At what point during *Sukkot* should we start praising God’s ability to bring the rain? The first *mishna* of *Ta’anit* teaches:

From when do we begin mentioning the power of rain? R. Eliezer says: from the first day of *Chag*; R. Yehoshua says: From the last day of *Chag*. R. Yehoshua said to him: If rain is viewed as a curse during *Chag*, why would one mention it? R. Eliezer responded: I did not say that one should ask for rain, but that one should mention *Mashiv ha-ruach* *u-morid ha-geshem*. He responded: If so, then one should always mention it! R. Yehuda said: The *shaliach tzibbur* of *Musaf* on the last day of *Chag* should mention it… on the first day of Pesach, [the *shaliach tzibbur* of] *Shacharit* should mention it, and at *Mussaf* he should not.

The *gemara* (*Ta’anit* 4b) rules in accordance with R. Yehuda, who states that we insert *Mashiv Ha-Ruach* from *Musaf* of *Shemini Atzeret*, the eighth day of *Sukkot*, until *Shacharit* of the first day of *Pesach*.

Why do we begin inserting *Mashiv Ha-Ruach* during the day, in *Musaf*, and not from the night before? Furthermore, why do we continue reciting it until *Musaf* of the first day of *Pesach*, rather than until the evening prayers of the previous night?

The Yerushalmi (Ta’anit 1:1) addresses these questions. Regarding when we begin to insert *Mashiv Ha-Ruach*, the Yerushalmi explains:

Should he not begin mentioning [rain] from the night before? But the people are not there! Then why not begin during *Shacharit*? One may think that they mentioned it the night before… R. Chaggai said in the name of R. Pedat: An individual should not mention it until the *shaliach tzibbur* does.

The Rosh (*Ta’anit* 1:2) clarifies this somewhat cryptic passage. He explains that since not everyone attends the evening service, some will begin to include *Mashiv Ha-Ruach* and others will not, creating an undesirable situation of “*agudot agudot*” (different groups practicing different customs). As for why we do not begin during *Shacharit* in the morning, he explains that since newcomers might think that the community mentioned *Mashiv Ha-Ruach* the previous evening, in the following year, they may begin to say *Mashiv Ha-Ruach* at night.

R. Chaggai provides another reason why we should not begin during *Shacharit*: The congregation should not begin saying *Mashiv Ha-Ruach* before the *shaliach tzibbur* has announced its recitation. The *shaliach tzibbur* cannot make such an announcement before the *Shemoneh Esrei* of *Shacharit*, as that would constitute an interruption between the *berakha* of “*Ga’al Yisrael*” and the silent prayer, so it is reserved for *Musaf*, when such an announcement is possible.

The Magen Avraham (114:1) cites both reasons. The Ra’avad (glosses on Ba’al Ha-Ma’or, *Ta’anit* 1b) notes that on *Pesach*, we do not stop saying *Mashiv Ha-Ruach* at night or during *Shacharit* for these same reasons.

Interestingly, the Mishna Berura (114:2–3) maintains that fundamentally, we **should**include *Mashiv Ha-Ruach* from the night of *Shemini Atzeret* or omit it from the first evening of Pesach, were it not for the reasons cited by the Yerushalmi. Therefore, if one mistakenly inserts *Mashiv Ha-Ruach* on the evening of *Shemini Atzeret* or omits *Mashiv Ha-Ruach* on the evening of Pesach, one does not need to repeat *Shemoneh Esrei* (as one ordinarily would).

The *shaliach tzibbur* recites the *Tefillat Geshem*, a moving *piyut* pleading for rain, either before the *Musaf* prayer or during its repetition.

When does the *shaliach tzibbur* “announce” that we should begin to insert *Mashiv Ha-Ruach*? Furthermore, does the *tzibbur* (congregation) begin saying *Mashiv Ha-Ruach* during the silent prayer of *Musaf*, or do they start only after the *shaliach tzibbur* inserts it during the repetition of *Shemoneh Esrei* (*chazarat ha-shatz*) of *Musaf* – that is, during the *Mincha* service in the afternoon? Some communities (most Ashkenazic congregations in Israel; see Rema 114:2) announce the insertion of *Mashiv ha-ruach* *u-morid ha-geshem* before *Musaf*, so that the *tzibbur* can insert *Mashiv Ha-Ruach* during their silent *Shemoneh Esrei*. Others (Sephardic congregations in Israel and most Ashkenazic communities outside of Israel) announce *Mashiv Ha-Ruach* during the *chazarat ha-shatz*; thus, the congregation as a whole really only begins to insert *Mashiv Ha-Ruach* during *Mincha*.

An individual praying at home should not insert *Mashiv Ha-Ruach* until after his local congregation has already prayed. Likewise, one who arrives late, after the congregation has already begun *Musaf*, may insert *Mashiv Ha-Ruach* if he knows that the *shaliach tzibbur* has already announced that they should begin mentioning *gevurot* *geshamim* (*Mashiv Ha-Ruach*) (Shulchan Arukh 114:2). However, according to the Mishna Berura (114:2–3), as we learned above, even one who precedes the *shaliach tzibbur* in adding *Mashiv Ha-Ruach* need not repeat *Shemoneh Esrei*.

**Simchat Torah[[1]](#footnote-1)**

 The final day of *Sukkot*, the ninth day in the Diaspora and the eighth day in Eretz Yisrael, is known as *Simchat Torah*. On *Simchat Torah*, the final *parasha* of the Torah, *Ve-zot Ha-Berakha*, is read, and the congregation celebrates the completion of another Torah cycle. After dancing with the *Sifrei Torah* for the seven *hakafot*, the Torah is read at night and again during the day. The Torah is completed during the *aliya* of the “*Chatan Torah,*” and then begun anew during the *aliya* of the “*Chatan Bereishit*.”

 This practice developed towards the end of the Geonic period. Until the early Middle Ages, there were two ancient customs of reading the Torah each Shabbat. In Israel, the Torah was divided into either 155 portions and completed once every three years (*Megilla* 29b), or into 175 portions and completed every three and a half years (*Sofrim* 16:8). Benjamin of Tudela (1130–1173) records that 12th century Cairo, there was still “men of the land of Israel” who finished the Torah every three years. He relates, however, that on *Simchat Torah*, they would join the other community and celebrate *Simchat Torah* with the entire Jewish community (Benjamin of Tudela. *The Itinerary of Benjamin of Tudela: Travels in the Middle Ages*, trans. Marcus Nathan Adler [1907], p. 70). Similarly, the Rambam (*Hilkhot Tefilla* 13:5) mentions the annual celebration as a custom, but not the prominent practice. In fact, while Babylonian communities celebrated *Simchat Torah* every year, in *Eretz Yisrael*, *Simchat Torah* was only observed every three years (B.M. Levin, *Otzar Chilluf Minhagim Bein Eretz Yisrael U-Vein Bavel* [1942], p. 98). With the acceptance of the Babylonian custom of completing the reading of the Torah each year, *Simchat Torah* because universally observed on the last day of *Sukkot*.

 We find the development of some of the customs that are still observed today, as well as others that are not, as early as Geonic period. For example, the *Geonim* were asked regarding the permissibility of burning incense in the synagogue on *Simchat Torah* (Sha’arei Teshuva 314), and of dancing for the Torah despite the Rabbinic prohibition of dancing on *Yom Tov* (Sha’arei Teshuva 314; see also *Beitza* 36b).

 Although the *Geonim* do not explain why the final *parasha* of the Torah is read on *Shemini Atzeret*, some *Rishonim* (Sefer Ha-Eshkol 21; Sefer Ha-Manhig, *Hilkhot Sukka* 54; Abudraham, *Seder Tefillot Sukkot*; Orchot Chaim, *Hilkhot Keri’at Sefer Torah* 58) explain that the blessings of Moshe, as they appear in the final *parasha* of the Torah, are purposely read on the day on which we read how Shlomo Ha-Melekh blessed the people of the eighth day of *Sukkot* (*Melakhim* I chapter 8). The Machzor Vitry (385) adds that *Simchat Torah* was intentionally observed on *Sukkot*, regarding which the Torah mentions the commandment of “*simcha*” twice (see *Devarim* 16:15).

 R. Yitzchak Abarbanel (1437–1508), in his commentary to the Torah (*Parashat Vayelekh*), suggests that the celebration of *Simchat Torah* on *Sukkot* is rooted in the mitzva of *Hakhel* (*Devarim* 31:11-12), during which the King would read the Torah to the nation upon the completion of the *shemitta* year. Although some scholars also accepted this theory, Avraham Yaari (*Toldot* *Chag* *Simchat Torah*, p. 355) rejects it out of hand. Others attempt to relate *Simchat Torah* to the ancient celebration of the *Simchat Beit Ha-Sho’eva*, *Hoshana* *Rabba*, and even to *Yom Kippur*, upon which, according to tradition, the second Tablets were given to Moshe.

 In the Diaspora, *Shemini Atzeret* and *Simchat Torah* are observed on separate days, but in Israel, where one day of *Yom Tov* is observed, *Simchat Torah* and *Shemini Atzeret* are observed on the same day. Therefore, the festive *hakafot* are followed by the serious prayer of *Tefillat Geshem*. At times, one feels that the identity of *Shemini Atzeret*, as described above, is lost due to the festivities of *Simchat Torah*.

 However, it seems that if *Shemini Atzeret* commemorates the unique, particular relationship between God and the Jewish People, then there is no better time than *Shemini Atzeret* to celebrate the Torah, God’s gift to the Jewish people, and its completion.

1. See Avraham Yaari’s, “*Toldot Chag Simchat Torah*,” (Mosad Ha-Rav Kook, 1964). [↑](#footnote-ref-1)