

SAPPIRIM

Chicago Rabbinical Council

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SUKKAH STANDARDS

Rav Schwartz and Rav Reiss

Several cRc restaurants have *sukkos* on premises for the customers and Rabbi Moshe Katz has raised the following questions about the *kashrus* of these *sukkos*. Most of the answers were given by Rav Schwartz zt"l in 2010; Rav Reiss has answered the subsequent ones.

Certified Stores

1. Why do we allow stores to be open for sit-down service on *Sukkos*? Why aren't we concerned about the *michshol* for customers? How is this different from our requiring stores to not serve meat and wine for sit-down customers during The Nine Days?

There are individuals, such as women, and those who are too ill to be outside, who are exempt from sitting in the *sukkah*. Similarly, there are certain days when the weather (e.g., rain) is such that all or many would be exempt from sitting in the *sukkah* based on *mitzta'er* considerations. Additionally, there are certain foods and drinks that do not require eating in a *sukkah*. Nevertheless, for all those who are obligated in *sukkah*, there should either be a *sukkah* available on the premises or a sign as to where customers can go to eat their food in a *sukkah*. The sign should clearly denote that "the following *sukkah* is available for all those who are obligated in *sukkah*."

During The Nine Days, sit-down service does not make sense for meat restaurants because men, women and children are all bidden not to eat meat or drink wine. Meat and wine would only be permissible in the context of making a *siyum*. Therefore, if a *yeshiva*, camp, or *shul* wanted to make a *siyum* in the restaurant during The Nine Days, it would seem that meat and wine could be made available specifically for that limited purpose.

2. May we allow a store to use a *sukkah* which has an area within it which is *passul*? Is that a *michshol* to people who will think the area is kosher and eat there? If the store is careful to only seat women in the *passul* area, is that a *michshol* because the women will mistakenly recite the *bracha* of *laishev basukkah*? Is there some sort of signage that we could/should put up to indicate that a given area is *passul*?

It would be appropriate for the store to put a carefully worded sign up which indicates that one should not recite the *bracha* of *לישב בסוכה* in that specific part of the *sukkah*. The sign should be written in a sensitive manner that does not differentiate between men and women.

3. If the store has a "Chabad *Sukkah*" outside, do we have to be sure that that *sukkah* is kosher (because consumers will assume we take responsibility for it) or should we assume it is kosher?

If we provide certification, we should make sure that the *sukkah* is made in a kosher manner.

Walls

4. *Sukkah* walls must be 10 *tephachim* tall. How many inches is that equivalent to?
40 inches.

5. The walls of many of the *sukkos* are made of tarp which flaps in the wind. At what point does a wall move too much to be acceptable?

There is a disagreement between *Chazon Ish* and *Yabeah Omer* on this point (see *Yabeah Omer* OC 9:59). We should follow the *shiur* given in *Yabeah Omer* by Rav Ovadia Yosef. Rav Ovadia Yosef is in fact very stringent in this matter. According to his ruling, any tarp type *sukkah* which flaps at all in the wind is invalid. However, if accompanied by "lavud straps" (see below) and vertical poles on the side, the tarp *sukkos* may be utilized.

[Rav Schwartz noted that the deficiency of a wall which flaps in the wind is that it is not ראוי לעמוד ברוח מצויה, and in fact the flexibility of

Sukkos Edition

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the canvas *sukkos* often makes them more able to withstand strong winds than the rigid walled *sukkos*. Nonetheless, we must have an established policy of what is not acceptable and should follow *Yabeah Omer* in this regard].

6. Some people avoid the concern of the tarp flapping in the wind (noted above) by putting horizontal "lavud straps" on the frame spaced less than 3 *tephachim* apart from one another and reaching from the floor to 10 *tephachim* from the floor. The idea is that the straps will be the "halachic" walls, and the canvas will essentially be just for privacy. What is the maximum distance for *lavud* (3 *tephachim*)?

We should allow up to (but not including) 9.45 inches for *lavud* (i.e., *shiur* of Rav Chaim Na'ah).

7. If there are proper "lavud straps", are there any requirements for the canvas walls?

If there are proper straps, the only other requirement for the walls is that they should not be so flimsy (like cardboard) that they could be destroyed by rain (see *Halachos of Sukkah* by Rabbi Yosef Kaiser, p. 69).

Schach

8. May *schach* be placed directly on the *sukkah's* metal frame, or do they need to put wood (i.e., something that is not *mekabel tumah*) between the metal and the *schach*?

Our minhag is to be lenient regarding *מעמיד דמעמיד* and to be *machmir l'chatchilah* regarding *מעמיד* alone, so that we would want to place wood between the metal frame and the *schach*.

9. How far can the *schach* be from the wall if there is *schach passul*, an overhang, or airspace between the wall and the *schach*?

According to the principle of *dofen akumah*, the *schach passul* can extend up to a little less than 4 *amos* from the wall (6.3 feet). However, one would not fulfill the *mitzvah* of *sukkah* by sitting underneath that area. The *schach pasul* should ideally not extend three *tephachim* or more above the kosher *schach* (see Rabbi Akiva Eiger, beginning of OC 632).

10. When it is windy the *schach* mats separate from one another leaving a gap in the coverage. Under what conditions does that render the *sukkah passul*? How much of a gap is enough to split the *sukkah* into two parts such that each side must have three walls of their own?

If there is an air space of three *tephachim* (9.45 inches) between the mats, that would divide

the *sukkah* into two parts such that each side must have three walls of its own. Even if the air space was not 9.45 inches, one should not sit under a conspicuously visible patch of air space that extends throughout the entire space of the *sukkah*. See *Aruch HaShulchan* 632:5.

11. May one tie down the *schach*? Does it make a difference if one ties it down with a string, cable tie, or nails it down?

L'chatchilah one should not be *מעמיד* the *sukkah* with a *המקבל טומאה*, and therefore the *schach* should not be nailed down (since nails are *פשוטי כלי מתכת* and are *מקבל טומאה*). Rav Schwartz said that the simplest way to hold the *schach* down is to put a 2X4 or some other heavy piece of wood (which is kosher for *schach*) on top of the mat. *B'dieved* the *sukkah* is kosher even if the *מעמיד* is *מקבל טומאה*, and *l'chatchilah* is acceptable if the *מעמיד דמעמיד* is *מקבל טומאה* so long as the immediate *מעמיד* is not *מקבל טומאה*.

If the mats would not otherwise blow off in a *חנ מצויה*, they can be secured to the *sukkah* with cable ties based on the argument that they do not need to be secured altogether. However, it is difficult to make this assessment, especially since strong winds are common during the time of *Sukkos*, so my recommendation would be that the mats be tied down with hemp string which would only be *מקבל טומאה מדרבנן* and would not present a *מעמיד* problem.

12. May a non-Jew put the *Schach* up? If yes, is there any requirement that a Jew specifically direct him to put up the *schach*?

A non-Jew may put the *schach* up if the non-Jew is specifically directed to prepare the *sukkah* for the purpose of providing shade. See *Koveitz Halachos* 1:27. Nonetheless, it is proper for the *schach* to be raised a *tephach* (*b'dieved*, any movement upward is sufficient) by a Jew afterwards. See *Halachos of Sukkah* 3:10, n.21. *B'dieved* if the non-Jew knew that he was putting up the *schach* for the purpose of helping the Jews fulfill the *mitzvah* of *sukkah*, and nothing else was done, that would be sufficient to allow eating in the *sukkah*.

13. Are there any restrictions on hanging lights or other items from the *schach*?

Decorations should not be hung further down than four *tephachim* from the *schach* (see *Rema* 627:3). Four *tephachim* in this regard should be measured as less than 12.6 inches from the *schach*. This means that even the bottom of the decorations should not be below this distance. Lights can be hung within this

distance and even below this distance if they are not four *tephachim* wide. See *Mishna Berurah* 627:15.

CHOL HAMOED

Rav Reiss on Kedushas HaMoed at a Hashgachah

The cRc office is closed on *Shabbos* and *Yom Tov* but is open on *Chol HaMoed* in order to service our clients and consumers whose have ongoing needs. Similarly, cRc clients continue to produce and sell food on *Chol HaMoed*, and therefore a certain amount of oversight and plant-visits is appropriate. At the same time, cRc staff obviously want to follow the dictates of the detailed halachos of which *melachos* one should refrain from doing on *Chol HaMoed*, and that lead to the following questions:

General

1. Can you provide a general sense of direction [השקפה and/or הלכה] regarding working for the cRc on *Chol HaMoed*?

The work of the cRc constitutes צרכי רבים insofar as the cRc provides services that impact upon the צרכי הגוף of the community (see "או"ח סי' תקמ"ד א"א סעי' א) in terms of maintaining *kashrus* standards and services. Additionally, the *Beth Din* services are viewed as communal needs because of their perpetual relevance (see משנה בורה סי' משנה בורה סי' (תקמ"ה ס"ק כ' (תקמ"ה ס"ק כ').

2. As relates to *Chol HaMoed*, are there any restrictions on (a) phone calls, (b) filing paperwork, (c) copying, (d) stapling, (e) typing on a computer, (f) surfing the internet, or (g) computer printing? Are some of these not included in any *Chol HaMoed* prohibitions and permitted no matter what?

Even a מעשה אומן would be permitted if the work is associated with *Yom Tov* related needs, such as urgent questions about *kashrus* during *Pesach*. However, if the work pertains to needs for after *Pesach*, then only unskilled labor would be permitted. Phone calls, filing paperwork, copying, and stapling are all in the category of unskilled labor. Even typing on the computer is not a מעשה אומן in our times (see *Zichron Shlomo* p. 78 citing R. Moshe Feinstein and R. Shlomo Zalman Auerbach), and, therefore, would be permissible even for work relating to after *Pesach* (see רמ"א סימן תקמ"ה סעי' א) if it is a community need. Although the matter is in dispute, regular printing, in my humble opinion, should also be viewed as unskilled labor nowadays, at least for these purposes (i.e., community needs) (see also *Zichron Shlomo*, pp. 78-79). Surfing the internet is not a necessary activity but may be permissible as a recreational

activity during *Chol HaMoed* if the surfing is of a permissible nature, such as if it relates to *Torah* sites and *Divrei Torah*. However, one should not surf the internet during times that one is being paid to work unless one is looking for information that relates to a work assignment.

3. Office staff has paperwork which must be completed, but there is no urgency to that task. Some examples are filling out "hashgachah tickets" and expense reports, scheduling visits, and writing notes on general *kashrus* issues. Can these be performed on *Chol HaMoed*?

Based on the previous answer, all of these can be performed on *Chol HaMoed* since they do not involve skilled labor and are for community needs.

Exceptions

4. Are the restrictions of *Chol HaMoed* relaxed in the following cases? If yes, are there are limitations to what may be done?

Prevent a loss to a cRc client

Any work that is necessary to prevent a loss is permitted to be performed in the normal fashion, even if it involves a certain amount of exertion and craftsmanship (see סימן תקל"ז סעי' א). Even if the loss would be suffered by somebody else, it is permitted to accept payment for performing such work to avoid דבר האבד, particularly since it is not realistic to find non-Jews to perform the work that we do (see רמ"א סי' תקמ"ב, סעי' א, מ"ב ס"ק ה).

Prevent a loss to the cRc

This would be classic דבר האבד, because any loss to the cRc impacts negatively upon all its staff and employees. Therefore, the work could be done in its normal fashion.

Debt collection for the cRc

Debt collection is permitted on *Chol HaMoed* even for non-community needs, because it is viewed as מציל מידו and not as commerce (see סי' תקל"ט סעי' ב, ומ"ב ס"ק ז, ט).

Provide a financial benefit to the cRc

Since the cRc is a community institution, it is permissible to do any kind of unskilled labor that will enable the organization to function better after *Pesach* (כן נראה לי ע"פ הכללים בסי' תקמ"ד). Even for non-communal institutions, one can engage in commerce for purposes of generating a rare profit (see סי' תקל"ט, סעי' ה).

Encourage a cRc client to remain certified

This involves no *melacha* or craftsmanship and would certainly be permitted as צרכי רבים.

Encourage a cRc client to remain cRc-certified instead of switching to another reputable hashgachah

This would be permissible to prevent a loss to the cRc, as outlined above.

Avoid hard feelings between cRc and clients or consumers

This involves no craftsmanship and would in any event be permissible in terms of צרכי רבים and דבר האבד, since the ability of the organization to deliver its services depends first and foremost upon its good-will and reputation.

Prevent consumers from eating non-kosher

אין לך צרכי רבים גדולה מזו

Help consumers with "current" kashrus issues

This would be permissible even with skilled labor since it has current relevance and is צרכי רבים.

General research of a kashrus issue

This would be permissible as צרכי רבים, but if it is not pressing during Yom Tov, it should be done in a fashion that does not involve skilled labor. For example, in such a case, one would not be allowed to change a tire to visit a plant to research the issue in question.

- Are there any broad exceptions that apply to those working for the cRc and/or in hashgachah?

Most of the work is in the category of community needs (צרכי רבים) and, therefore, will generally be permissible even if it pertains to needs for after Pesach, with very limited exceptions, as denoted above.

Visitations

- Can/should a Mashgiach visit factories? Does it depend on whether he is paid per diem or is given an annual salary? Does it depend on how important the need is that the plant be visited?

A Mashgiach can visit factories because there is a communal need. If the visit can easily wait until after Yom Tov without intruding upon other responsibilities, then it should be put off if the trip would otherwise require great skill or exertion (like changing a tire). However, in certain cases, the failure to make a trip at an appointed time will impose more of a burden after Pesach in terms of visiting other factories in a prompt fashion.

- An RC visits certain clients from time to time. Can he perform those visits on Chol HaMoed if those days are more convenient for him? Does it make a difference if he is near the factory for Yom Tov and will therefore save the cRc travel

expenses if he makes the visits on Chol HaMoed instead of travelling special at some other time?

If there is no imperative to make the visit on Chol HaMoed, he is not obligated to visit the client on Chol HaMoed, but there is nothing wrong with doing it at such time, especially if it constitutes a rare opportunity to save the cRc from travel expenses. Since the visit is in the category of צרכי רבים, as set forth above, it would always be permissible so long as there is no skilled labor involved.

SUKKOS AFTER SHEMITTAH

Condensed from Chapter 34 of *Imrei Dovid, Shemittah*; see there for details and sources.

Aravah

The *aravah* is a simple twig of wood which has no *kedushas shevi'is*, and, therefore, there are no restrictions on taking possession, cutting, and selling it. Of course, it is forbidden to do *melacha* on an *aravah* tree, except for those which keep the tree from dying.

Hadassim

In a previous installment we saw that plants which are sold for their fragrance have *kedushas shevi'is*, and *hadassim* appear to qualify for this. For example, in *Eretz Yisroel* it is common for *Sephardim* to use *hadassim* as their *besamim* each *Motzai Shabbos*. Therefore, *hadassim* should seemingly be treated with *kedushas shevi'is*, meaning that they must be left as *hefker*, cannot be sold in a traditional manner, and cannot be wasted or ruined.

However, in a different context, *Ohr Sameach* says items cut off the ground for a *mitzvah* do not have the status of "food" as relates to *kedushas shevi'is*. According to *Ohr Sameach*, *hadassim* cut for the *mitzvah* – as are most of the ones we get – cannot have *kedushas shevi'is* since they are not the same as "regular" *hadassim* which are cut off for fragrance.

Esrog

Esrogim grown in *Eretz Yisroel* will generally be from farms which observe *shemittah* in the traditional manner, and the ones used for the *Sukkos* after *shemittah* surely have *kedushas shevi'is*. [*Ohr Sameach* explains that the principle he suggests (noted above) does not apply to *esrog* since there is a specific requirement that the *esrog* be [halachically] "edible" and is, therefore, considered "food" even if harvested for the *mitzvah*]. *Esrogim* have *kedushas shevi'is* and their harvest and

distribution is accomplished through the system of *Otzar Beis Din* (discussed in an earlier installment).

If so, how can the *esrog* be exported to us in *chutz la'aretz*, when, as noted in an earlier installment, there is a prohibition to export produce with *kedushas shevi'is* from *Eretz Yisroel*? In fact, *Chazon Ish* rules strictly that this is forbidden, but notes that if the *esrog* was taken out of *Eretz Yisroel*, it remains acceptable for use in the *mitzvah*. Others take a more lenient approach and either permit such export outright or under special conditions, such as that it is performed by a non-Jew or that the *esrog* be returned to *Eretz Yisroel* after *Sukkos* so that the *mitzvah* of *biur* can be performed properly.

Lulav

The *Gemara* clearly states that a *lulav* has *kedushas shevi'is*. [Others understand that the conclusion of the *Gemara* and/or the halacha, may reject this point]. Why? Does anyone eat *lulav* branches? *Rashi* explains that non-food items can also have *kedushas shevi'is* if they meet the standard of *הנאתן וביעורן שיה* (*the benefit one gets from the object happens in conjunction with the items destruction*), and *lulav* is an example of this because it is often used as a broom, where sweeping (i.e., the benefit) happens simultaneously with the branches becoming destroyed. However, *Minchas Shlomo* notes that in our culture it is very rare for a person to use a *lulav* branch as a broom and, therefore, there is no question that it has no *kedushas shevi'is*.

ARBA MINIM SELECTION

Rabbi Yochanan Schnall

Based on *Timely Torah* by Rabbi Yochanan Schnall, Rabbinic Coordinator, cRc, and approved by Rav Yona Reiss, Av Beis Din, cRc. Designed for distribution at a certified supermarket selling *Arba Minim*, to help consumers choose properly

Selection

A complete set of “*arba minim*” used for *Sukkos* includes one *lulav* (palm frond), one *esrog* (citron fruit), three *hadassim* (myrtle branches), and two *aravos* (willow branches).

Lulav

A *lulav* consists of multiple leaves that are attached to a hard, green spine. Three leaves protrude from the top of the spine and the central one of them is called the *tiyomes*. Although not readily apparent, the *tiyomes* is comprised of two separate halves which grow adjacent/fused to one another.

As they grow, the two halves of the *tiyomes* may start to separate, and in the ideal *lulav*, the *tiyomes*

halves are completely stuck together. If the majority of the *tiyomes*' length has split into two parts, then the *lulav* is invalid. If only the minority of it is split, the *lulav* is still kosher but is not *mehudar* (ideal). In either case, if the *tiyomes* appears forked at its tip or if the tip has been severed, the *lulav* is invalid.

Ideally, a *lulav* should have a spine that is at least 16 inches long, but its minimum permitted length is 13 inches.

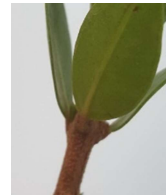
Esrog

The most important part of an *esrog* is the slanted area towards the top of the fruit where it slopes upwards. Any black spots in the area invalidate the *esrog*, but light brown spots do not. On the rest of the *esrog*, the *esrog* is kosher unless there are multiple black spots depending on size and location. [When in doubt, show the *esrog* to a Rabbi].

The uppermost tip of an *esrog* often has a small woody stem called a “*pittum*”. If the *pittum* falls off after an *esrog* is formed, the *esrog* is invalid, but if the *esrog* grew without a *pittum* then the *esrog* is kosher.

Hadassim

Ideally, each *hadass* twig should be at least 12 inches long (excluding the leaves) but its minimum permitted length is 9.5 inches.



The leaves of a *hadass* grow in clusters along the stem, and when the base of all three leaves is aligned that cluster is called “*meshulash*”. A choice *hadass* has a least 12 inches of stem covered with *meshulash* leaves, but at a minimum there must be 5 inches of *meshulash* clusters.

Aravos

Each *aravah* twig should be at least 12 inches long, but its minimum permitted length is 9.5 inches. If the majority of the leaves have dried out or fallen off, the *aravah* should not be used. [It is therefore common that *aravos* must be replaced once or twice during *Sukkos*]. If the top of an *aravah*'s stem is severed, the *aravah* is invalid.

Use

Before *Sukkos*, bind the *hadassim* and *aravos* to the *lulav*. With the spine of the *lulav* facing you, place the three *hadassim* on the right of the *lulav*, and the two *aravos* on the left. Traditionally, this is done with detached *lulav* leaves (formed by trained *lulav* dealers into special holders called “*koisheklach*”), but if those are not available you can use a rubber band or anything else.

On each of the seven days of *Sukkos* – aside from *Shabbos* – hold the *lulav*, *hadassim*, and *aravos* in your right hand with the spine facing you, and the *esrog* in your left hand with the *pittum* [or place where the *pittum* would be] facing downwards. Then recite the *bracha* (found in any *siddur*), turn the *esrog* over so that the *pittum* faces upwards, bring your hands close together, and shake the *lulav* etc. as follows: Extend your hands forward, shake the *lulav*, and pull your hands back towards your body. Repeat this shaking two times. Then perform the same three shaking movements to your right, behind you, to your left, above your head, and towards the floor. In total, that is 3 shakes in 6 directions, for 18 total shaking movements. [Some people reorder the six directions as follows: right, left, front, up, down, and then back].

If you have a *lulav* and *esrog* in *shul* (and it is not *Shabbos*), you will perform the same shaking procedure at specific times during *Hallel* and will also circle the Torah with your *lulav* etc. during "*hoshanos*". Details for those parts of the service can be found in a *Siddur*.

Women are exempt from the *mitzvah* of *lulav* and *esrog* but, of course, they are permitted to perform it and may recite a *bracha* upon doing so.

On the first two days of *Sukkos*, the *arba minim* must belong to the person who is performing the *mitzvah*. Therefore, if a person does not own a set, they must receive the *lulav* etc. as a gift from the owner. The *lulav* etc. can be returned to the original owner once the *mitzvah* has been performed.