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## CAN EMOTIONAL PAIN EVER EXEMPT A PERSON FROM SITTING IN A SUKKAH?

RABBI JASON WIENER

How sensitive is Jewish Law to emotional pain and suffering? Can preventing embarrassment or shame ever exempt a person from fulfilling a *mitzvah*? In this piece we will take a very brief look at this question using an interesting law related to sitting in the *sukkah* as an illustration.

The *Shulchan Aruch* (Code of Jewish Law) rules that "someone who would suffer (*mitztaer*) in the *sukkah* is exempt from dwelling in the *sukkah*."<sup>1</sup> The classic commentaries give two primary reasons for this ruling. Most *Rishonim* (medieval rabbinic authorities) explain that on *Sukkot* one is obligated to dwell in the *sukkah* the way they would reside in their house all year (*teishvu k'ein taduru*), and one would not normally reside in a place that causes them to suffer.<sup>2</sup> The other reason given for this exemption from dwelling in a *sukkah* is that in order to fulfill the verse in the Torah (Leviticus 23:43) - that the *sukkah* is to

remind us that God took the people of Israel out of Egypt and sheltered us in the wilderness - one must be able to remain focused on why they are in the *sukkah*. Since a person who is in pain can't have such peace of mind, they are exempt from the *mitzvah*.<sup>3</sup>

The classic examples of pain that are given which might cause a person to suffer enough to be exempt from dwelling in a *sukkah* are all physical, such as rain,<sup>4</sup> wind, flies, flees, bad smell,<sup>5</sup> heat, cold, and mosquitoes.<sup>6</sup> Indeed, in response to a radical claim that this exemption from a *sukkah* could somehow be applied to exempt individuals from the performance of any *mitzvah* that causes them psychological or emotional suffering, Rav Soloveitchik explained that only physical pain (*tzaar haguf*), such as lack of space, is included in this category.<sup>7</sup> Similarly, Rav Shlomo Zalman Auerbach

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ruled that if one is uncomfortable entering a *sukkah* because people will make fun of him and the concept of a *sukkah*, one must nevertheless dwell in the *sukkah*.<sup>1</sup>

While there is not space here to analyze this concept fully,<sup>2</sup> Rav Betzalel Stern (a preeminent Torah scholar and leader, born in 1911 in Hungary, died in Israel in 1989) wrote a fascinating responsum detailing a situation in which emotional distress should be taken into account.<sup>3</sup> His questioner had a disorder in his mouth that caused him to eat in such an awkward and embarrassing manner that he avoided ever eating in public, but he lived in an area where the only *sukkah* was located in the synagogue's courtyard, for public use. As it was open for meals only at certain hours, everyone would eat together. He wanted to know if he could be exempt from eating in the *sukkah* because the embarrassment it would cause him to eat in front of others could be classified as suffering (*mitztaer*).

Rav Stern quotes a number of sources which show that humiliation and disgrace are actually considered physical pain. For example, the Talmud says that a man may scrape crusts of filth or a wound off of his flesh because of physical discomfort (*tzaar*), but not just to beautify himself.<sup>4</sup> Rav Stern cites *Tosafot*, in their commentary on this ruling, that even if the person is not experiencing actual pain, but is simply embarrassed to be amongst other people because of his appearance, it would be permitted since there is no worse pain than that (*ain lecha tzaar gadol mizeh*).<sup>5</sup> Indeed, Rav Stern quotes Rabbeinu Chananel that shame (*bizayon*) is considered a physical pain (*tzaara degufa*)<sup>6</sup> and Rabbeinu Yona's statement that "the pain of humiliation is more bitter than death."<sup>7</sup>

Rav Stern goes on to quote numerous sources which demonstrate that causing emotional

suffering has practical ramifications in Jewish law. He thus concludes that one who is ashamed to eat in the presence of others in a *sukkah* is exempt from doing so if he has nowhere else to go. Rav Stern does point out that not all forms of embarrassment and disgrace are of the same degree, and sometimes it may not be severe enough to exempt one from dwelling in a *sukkah*. Nevertheless, he argues that most forms of embarrassment are certainly more painful than the relatively light rain threshold needed to exempt a person from dwelling in a *sukkah*<sup>8</sup> (though on the first night of the holiday one should strive to eat at least a little bit in the *sukkah* if possible<sup>9</sup>).

We thus see that Jewish law can show profound sensitivity to the very real pain of humiliation and indignity. The points mentioned by Rabbis Soloveitchik and Auerbach remind us that we must show caution in how far this concept can be taken, as applying it is complex and requires careful and competent rabbinic guidance. While we should never be embarrassed by performing *mitzvot* (observing Jewish Law), Rav Stern (and others<sup>10</sup>) demonstrate with the example of a *sukkah*, as well as the other sources Rav Stern quotes, that the Torah recognizes the difficulty of emotional anguish, and in certain specific cases may even exempt a person from fulfilling a *mitzvah* in the face of an individual's pain and suffering.

**Rabbi Jason Weiner, BCC** is Senior Rabbi and Manager of the Spiritual Care Department at Cedars-Sinai Medical Center in Los Angeles; Author of "Guide to Traditional Jewish Observance in a Hospital."

# INVITING NON-JEWS AND CONVERSION CANDIDATES TO A YOM TOV MEAL

RABBI BARRY GELMAN

It is becoming increasingly common for Jewish families to be interested in inviting non-Jews to their homes to celebrate Jewish holidays. There are various reasons why this might happen. For example, in an age when many Christians are exploring the Jewish roots of Christianity, we may have co-workers or friends who'd like to attend a *Yom Tov* meal.<sup>1</sup> Intermarriage also plays a role, as more and more Jewish families find themselves with non-Jewish family members. Inviting only the Jewish partner and children of such a marriage is uncomfortable and can lead to family stress.

Another area where this question is raised is in the realm of conversion candidates. It seems logical to invite conversion candidates to one's home for a holiday meal so that the prospective convert can get a sense of how the *chagim* are celebrated, but is this permitted?

## Background

Based on the Talmud in *Masechet Beitzah* (21b) Maimonides rules that "we may not bake or cook on a holiday in order to feed non-Jews..., as it says (Exodus 12:16) 'This alone is permitted for you', meaning [the Torah's special permission to cook on *Yom Tov* is to do so] for your benefit, not for the benefit of non-Jews... For this reason, it is permitted to invite a non-Jew for a Shabbat meal, but not a *Yom Tov* meal, lest one add (cook) more food for the non-Jewish guest."<sup>2</sup> Rabbi Yosef Karo rules in accordance Maimonides.<sup>3</sup>

Two prohibitions are enumerated in these rulings. First, the prohibition of cooking for a non-Jew on *Yom Tov* and second the prohibition of inviting a non-Jewish guest on *Yom Tov*, lest one come to cook for them.

## Is there a solution?

In light of these prohibitions, is there any way to invite a non-Jew for a holiday meal?

One suggestion would be to treat *Yom Tov* like Shabbat. Following this approach would require that all food be cooked before the onset of *Yom Tov*. Food that had been cooked before *Yom Tov* could be reheated on *Yom Tov* in the ways that one may reheat on Shabbat. In one respect we could act even more leniently than we do on Shabbat. While we do not place cooked food in the oven to heat it up on Shabbat, on *Yom Tov* placing the food in the oven would be permitted. The only reason we do not warm up food in the oven on Shabbat is in order to avoid the appearance of cooking, but since cooking on *Yom Tov* is permitted, use of the oven in this case is allowed.<sup>4</sup>

Another option is to have the cooking done on *Yom Tov* itself, but by a non-Jewish person. In this case, a Jew would need to be present to serve as a *mashgiach*, and to participate in the cooking in a small way in order to avoid *bishul akum*.<sup>5</sup>

It is also permitted to invite a non-Jew if at the time that the food was being cooked, the Jewish person cooking it had no knowledge that non-Jewish guests would come.<sup>6</sup> Similarly, it would be permitted to serve a non-Jew who visits without being invited.

## Conversion Candidates

Though many authorities do not permit inviting conversion candidates for a *Yom Tov* meal, there is actually room to be room to be lenient here as well.

Rashba (*Beitzah* 21b) holds that the prohibition of inviting a non-Jew on *Yom Tov* is not "lest the Jew come to cook for him", rather more specifically lest the Jew cook non-kosher food for the benefit of the non-Jew. According to Rashba, it is not prohibited to cook kosher food for the non-Jew. In the case of inviting a conversion candidate though, there is no concern that the Jew will cook non-kosher food, as the entire purpose of the invitation is to expose the

conversion candidate to traditional Judaism.

Additionally, the Ran (*Beitzah* 21b) rules that the prohibition of “lest one add for the non-Jew” refers only to cooking an additional pot of food. According to the Ran, cooking extra food in an existing pot is certainly permitted (as it is always advantageous to fill the pot, as food cooks better in a pot with more food).

R. Shlomo Zalman Auerbach<sup>7</sup> writes that there are two reasons to permit inviting a conversion candidate to a *Yom Tov* meal. First, he sees the motivating concern as “lest one cook extra food specifically in honor of the non-Jewish person.” Since the invitation to the conversion candidate is not specifically extended to confer honor upon him/her, rather to teach and include, the Talmud's concern does not apply. Second, since the purpose of inviting the convert is to teach them the proper way to observe *Yom Tov*, the hosts will not add food for them. Rather, they will instruct the convert that doing so is prohibited.<sup>8</sup>

Rabbi Gedaliah Dov Schwartz permits inviting conversion candidates to a *Yom Tov* meal once these candidates have begun observing some *mitzvot* and have abandoned all connection with

their previous religion. For the purposes of this law, they are no longer to be defined as non-Jews. Rav Schwartz related that Rav Chaim Elazar Spira ruled that a man who had a *brit milah* for the purpose of conversion, but died before having the chance to immerse in the *mikvah* may be buried in the Jewish cemetery since he has left the category of one who worships a false God.<sup>9</sup> Based on this *teshuva*, Rav Gedaliah Dov Schwartz ruled that an individual who is in the process of conversion and who has started observing some *mitzvot* and has abandoned their connection with their previous religion may be invited to a *Yom Tov* meal.<sup>10</sup>

Rav Yaakov Emden teaches in his *Haggadah* that the declaration, “All who are hungry, come and eat” is an invitation to non-Jews to join the Passover Seder. While inviting non-Jews to *Yom Tov* meals comes with *halachik* challenges, it also comes with opportunities for *Kiddush Hashem* and in some cases fulfillment of the *Mitzvah* of loving a convert (Deuteronomy 10:19).

**Rabbi Barry Gelman** is the rabbi of United Orthodox Synagogues of Houston. He thanks his summer intern Gershon Albert for research assistance with this article.

## ANOTHER LOOK: INVITING A NON-JEW ON YOM TOV

We thank **Rabbi Yaacov Love**, Chair of the Department of Halakha at Yeshivat Chovevei Torah, for sharing this summary of his detailed article on this important topic from the *Tishrei 5769 Meorot Journal*. (Full article available at: <http://www.yctorah.org/content/view/436/10/>)

The Talmud prohibits inviting a non-Jew as a guest for meals **on** *Yom Tov* lest one cook a separate dish on the holiday for the previously unexpected guest. Even if all the cooking is completed beforehand it still may be necessary to prepare something for the invitee and therefore the invitation is prohibited.

It would be permitted to invite a non-Jew **before** the holiday if *either* any special food they may want or need is prepared before the holiday or it is clear that the guest will eat what everyone else is eating. In this case it is permitted to cook more of the food for the guest as long as no separate dish or pot of food is cooked on *Yom Tov* for the guest.

Non-Jews who are in the process of preparing for conversion are considered to be gentiles regarding cooking for them on *Yom Tov*.

Separately, once a candidate for conversion has begun to keep Shabbat completely, one should not invite them for Shabbat or *Yom Tov* if they might use forbidden transportation. Before they have reached that stage of preparation, they may be invited even if they drive.

## HACHNASAT ORCHIM: HALACHIC APPROACHES TO ENSURING AN INCLUSIVE SHABBAT TABLE

Rabbi Dr. Shmuly Yanklowitz

### The Jewish Value of Hachnasat Orchim

"And the Lord appeared to him in the plains of Mamre; and he sat in the tent door in the heat of the day. And he lifted up his eyes and looked, and, lo, three men stood by him; and when he saw them, he ran to meet them from the tent door, and bowed himself to the ground. And said, My Lord, if now I have found favor in your sight, pass not away, I beseech you, from your servant. Let a little water, I beseech you, be fetched, and wash your feet, and rest yourselves under the tree. And I will fetch a morsel of bread, and you comfort your hearts; after that you shall pass on." (Genesis 18)

Our forefather Abraham is the paragon of hospitality. Inviting guests into one's home is a central Jewish value because of Abraham and this beautiful episode. The Rabbis teach that Abraham was not only eager to welcome guests but that he did so despite being in the midst of a prophetic experience. In a sense, the Rabbis teach that this person-to-person ethic trumps the person-to-Divine spiritual encounter:

"Rav Yehudah said in Rav's name: "Hospitality to wayfarers is greater than welcoming the presence of the *Shechinah*, for it is written, 'And he said, My Lord, if now I have found favor in your eyes, pass not away.'" (Shabbat 127a)

The proof-text is important here. The Divine encounter has already started and Abraham is praying that it not become severed while he goes off to interact with humans. It seems that one must first have a search for the Divine in order to see the Divine in the face of the other. Hospitality thus becomes a magnificent moment of *imitatio Dei* (imitating God who is the ultimate Host).

Furthermore, Rashi teaches that today we make atonement "through welcoming guests" (*Haggigah* 27a). During the Temple period, the altar provided the possibility of purification. Now, absent the Temple and altar, the home table offers that possibility. "Hosting is greater than greeting the Divine presence" and although we have lost the ritual vehicle of purification of the past, through hosting guests we maintain that potential through ethical opportunity.

The Rambam includes welcoming guests in his list of *chesed mitzvot*:

"... Greater is receiving guests than receiving the Presence of the *Shechina*, as it says, "And he looked up, and behold, there were three men." And accompanying them is greater than receiving them. Our sages said: "any who does not

accompany [the stranger who is your guest] it is as if they spilled blood." We force communities to provide accompaniment in the way we force them to provide charity." (Laws of Mourning, 14: 1-3).

Thus, by accompanying the stranger-guest (including for a distance when they leave), we provide protection of a spiritual and physical nature.

Not only are we encouraged to engage in hospitality but we are warned that there will be punishment for those who mistreat guests. We see this in the paradigmatic failure of *hachnasat orchim* (hosting guests) in Sodom and how it leads to the destruction of society (Genesis 19): "They had beds [in Sodom] upon which travelers slept. If he [the guest] was too long, they shortened him [by lopping off his feet]; if too short, they stretched him out" (Sanhedrin 109b). They not only avoided welcoming guests and abused them, but punished those who reached out to others. "Rabbi Yehudah said: They issued a proclamation in Sodom saying: 'Everyone who strengthens the hand of the poor and the needy with a loaf of bread shall be burnt by fire!'" (Pirke DeRabbi Eliezer 25)

We thus see that welcoming guests is a paramount Jewish value. It is not only to help the poor but to practice *chesed* and include others, who may not be connected, in community and celebration. In modern times, many are isolated and lonely; inviting them can help them to feel cherished, loved and engaged.

### Inviting Non-observant Jewish Guests for Shabbat

For all the value in inviting guests, there are *halachic* issues to consider. A common question emerges as to whether one should invite another to their home for a Shabbat meal if they know that they will have to drive to get there. On the one hand, some important authorities argue that inviting such guests would be prohibited as a violation of *lifnei iver lo titen michshol* (placing a stumbling block before the blind, Leviticus 19:14) by effectively causing them to drive.<sup>1</sup> Even when one is not in violation of the Biblical prohibition of *lifnei iver*, one may breach a rabbinic prohibition of *mesayei'a yedei overei aveirah* (helping another to do wrong) as well as the problem of *meisit* (enticing others to err). Rav Moshe Feinstein argues (based on *Sanhedrin* 29a) that inviting non-

observant guests is a violation of both *lifnei iver* and of *meisit*.

It seems from the Gemara that the principle of *lifnei iver* only applies when the transgressor is "on the other side of the river" (i.e. they could not have erred without your help), and some require physical assistance to perform the prohibited act.<sup>2</sup> A person who is not Torah observant has both the will and the ability to drive, even without the opportunity provided by the host. Moreover, some<sup>3</sup> have argued that *lifnei iver* does not apply to those who have already made the life choice not to be observant and live a life that is outside of the mandates of Jewish tradition. Even further, some argue that *mesayei'a* doesn't apply when it's not at the precise moment of the violation.<sup>4</sup> If one was involved in advance (like an invitation) then there should be no violation of assisting.

Another approach would be to invite a dinner guest to arrive before Shabbat and then stay the night.<sup>5</sup> If the guest chooses not to, that is their own prerogative, but the host has made it possible for the guest to avoid violating Shabbat.

Some have argued for looking at the broader picture. They agree that driving on Shabbat is a violation, but a much greater goal is achieved, a full Shabbat experience which hopefully brings Jews closer to Torah<sup>6</sup>, and that benefit must be taken into account. This approach would even permit inviting a guest for Shabbat lunch (where they will inevitably drive, unlike a Friday night invitation, where they can come before Shabbat), because *lifnei iver* would not apply when the intention is to bring the other closer to God and Judaism.<sup>7</sup> Even if there is Shabbat violation in the short-term, in the long term, the person is becoming more attached to Torah and *mitzvot*.<sup>8</sup>

We must not lose sight of the tremendous good that can be done by exposing non-observant Jews to a warm, authentic Shabbat experience. Jewish values demand this and many who host such guests find that it has a profound impact on them as well. Rav Aaron Lichtenstein has ruled that "One should be careful to apply this [leniency of inviting guests who will drive on Shabbat] only when there are educational objectives in mind."<sup>9</sup> It is crucial to remember that these invitations are not intended just to make more friends or have a good time, but to have a positive influence on those we are hosting (and possibly to learn from them as well). To do this effectively, we must be certain that our own observance is strong, inspiring, worthy of being emulated and in conformity with *halachic* requirements. If we do so carefully, we may be able to host guests who will drive to our homes on Shabbat, but who will eventually not only observe Shabbat in some way, but will likely encourage others to do so as well.

Beit Hillel, an Orthodox rabbinic organization in Israel, recently put out a ruling (issued by 170 rabbis) allowing for and encouraging religious families to invite secular families for Shabbat.<sup>10</sup> Rabbi Ronen Neuwirth, Beit Hillel's director, explains "Shabbat is one of the most unifying experiences and it is a real opportunity to create a connection between religious and secular Jews. By inviting a non-religious friend, neighbor or work colleague for a Shabbat meal, it can help bring society together, unite families in which some members are religious while others are not, strengthen a person's Jewish identity and draw people closer to their heritage."<sup>11</sup>

### Conclusion

The Shabbat table is, in many ways, the most significant and central Jewish experience (perhaps even more than the synagogue) and we should share this experience with others who have not encountered it. Further, due to the great weight of the mitzvah of *hachnasat orchim* (inviting and honoring guests) and of *areivut* (taking responsibility for our fellow Jew), many *poskim* encourage us to ensure inclusivity for non-observant Jews. There are *halachic* limitations but within these guidelines we must be strict on the mitzvah of *hachnasat orchim* and *areivut* to find ways to cross boundaries to build community and bring others closer to Torah, Shabbat observance, community, and ultimately to the Divine.

**Rabbi Dr. Shmuly Yanklowitz** is Executive Director of the Valley Beit Midrash; Founder and President of Uri L'Tzedek; Founder and CEO of The Shamayim V'Aretz Institute; Author of "Jewish Ethics and Social Justice: A Guide for the 21<sup>st</sup> Century."

## PRACTICAL GUIDELINES FOR BUILDING A SUKKAH

*This brief guide of common issues that arise in sukkah construction was prepared by Rabbi Barry Gelman for his synagogue, United Orthodox Synagogues of Houston.*

It is crucial to build our *sukkot* according to *halacha* so we can fulfill the mitzvah of *sukkah* properly. This is especially important so that guests coming to your *sukkah* are not put in an uncomfortable position by finding your *sukkah* not built according to *halachik* standards. Numerous *halachik* problems arise if a *sukkah* is not kosher. Use these guidelines to avoid such situations. *This is not meant to be a comprehensive review of the laws of sukkah but rather a brief overview of common issues that arise in sukkah construction.*

### SELECTING A SITE

- To build your own *sukkah*, first select a site that has nothing hanging above it - e.g. a roof or a tree.
- The *sukkah* floor space must be at least 27 inches by 27 inches.

### THE WALLS

- A "kosher" *sukkah* needs at least two complete walls and a small part of a third wall.
- The walls can be of any material, as long as they are sturdy enough to not sag or sway in a normal wind. Hence, if one uses canvas or sheets as walls for a *sukkah*, one must make sure to bind them tightly to the frame so that a normal gust of wind will not make them billow or dislodge them. Even if they are secure enough that the wind will not dislodge them, if they sway too much (9 inches) they are not considered to be walls.
- The walls should be at least 36 inches high.
- You don't have to build walls especially for the *sukkah*; you can use the side of a building, or even a hedge or bushes.
- If there is a space three handbreadths wide between the bottom of any walls and the ground, the *sukkah* is not fit for use.
- Many use pre-fabricated walls (lattice, pre-existing porch fencing) for *sukkah* walls. The space between the bars must be less than 11 inches.

### THE ROOF (*sechach*)

- The roof must be made from material that grows from the ground -- i.e. branches or leaves (but not metal, or any food).
- Lattice (metal, plastic or wood) is NOT acceptable as *sechach*.
- There cannot be gaps in the *sechach* of more than ten inches.
- The *sechach* should be supported by material that meets the criteria of kosher *sechach* (i.e. wood not metal). However, metal screws *may* be used to secure the wood that is supporting the *sechach*.
- The material must be presently detached from the ground -- i.e. don't just bend a tree over the top of your *sukkah*!
- A mat of stalks or straw which was made specifically to be used as *sechach* may be used even though it has other uses as well.
- The roof material can only be added **after** the requisite number of walls are in place.
 

If one first constructed a frame, placed *sechach* on the roof, and then built the walls, the *sukkah* is unfit for use. If one placed *sechach* on the roof before building the walls, one can still make the *sukkah* fit for use. One should build the walls, lift the *sechach* from its place and then let it down. In this way, it is seen as if he has only now placed the *sechach* on top of the *sukkah*.
- The roof must be sufficiently covered so that it gives more shade than sun during the daytime. Yet it should be sufficiently open so that the stars are visible through the roof at night.
- Many families have a permanent *sukkah* with *sechach* that is up all year. If this is the case, one must "renew" the *sechach* in order for the *sukkah* to be kosher. The easiest way to do this is to add a piece of *sechach* long enough to extend the entire length or width of the *sukkah*.



### Notes to: Can Emotional Pain Ever Exempt Someone from Sitting in a Sukkah?

<sup>1</sup> *Shulchan Aruch* OH 640:4

<sup>2</sup> *Mishnah Berurah* 640:13. According to this reasoning, the suffering must result from sitting in the *sukkah* itself, and not from something external that would cause one to suffer whether they sat inside or outside of the *sukkah* (*Teshuvot Tzitz Eliezer* 4:27).

<sup>3</sup> *Taz* 640:7. According to this line of thinking, it doesn't matter if the pain results from the *sukkah* itself or from something external, since one cannot focus any amount of pain could exempt them (*Teshuvot Tzitz Eliezer* 4:27).

<sup>4</sup> *Shulchan Aruch* OH 639:5

<sup>5</sup> *Ibid.*, 640:4

<sup>6</sup> *Mishnah Berurah* 639:31

<sup>7</sup> Rav Hershel Schachter, *Divrei HaRav*, pg. 160. This is stated as part of a broader argument against one who would claim that they are exempt from daily prayers when they are embarrassed to leave a meeting in order to recite their prayers.

<sup>1</sup> *Halichot Shlomo*, pg. 171 fn. 127. The reason he gives is because this pain results from fulfilling a *mitzvah*, not from the act of dwelling in the *sukkah*, and in general we do not permit one to violate Jewish law (or even well established customs) because one finds a particular Jewish observance embarrassing. See *Tur* OH 1 for a directive never to allow embarrassment in fulfilling any *mitzvah* to discourage one from doing so, and *Iggrot Moshe* YD2:77 for an application in *hilchot nidda*.

<sup>2</sup> Rav Ovadia Yosef details the various places the concept of suffering (*mitztaer*) exempts a person from performing a *mitzvah* and analyzes the circumstances in which this would and would not apply in *Chazon Ovadia, Sukkot*, pg. 153. See also Rav Shternbuch's discussion of the issue in *Teshuvot V'Hanhagot* vol. 5, OH:141 and Rav Asher Weiss's related analysis in *Minchat Asher Al HaMoadim*, 176-181.

<sup>3</sup> *Teshuvot BeTzel HaChochma* 5:9.

<sup>4</sup> *Talmud Bavli, Shabbat* 50b. *Rashi* s.v. "mishum leyafof" explains that this is because a man may not groom himself as does a woman, based on the verse, "a man shall not wear a feminine garment" (Deuteronomy 22:5).

<sup>5</sup> *Tosafot, Shabbat* 50b, s.v. "bishvil"

<sup>6</sup> *Talmud Bavli, Yoma* 23a

<sup>7</sup> *Shaarei Teshuvah*, 3:111. Along similar lines he quotes the statement of the *Sefer Hachinuch* (240) that it is forbidden to embarrass someone because "embarrassment is the greatest form of pain."

<sup>8</sup> The *Shulchan Aruch* (639:5) rules that "The stage when it is permitted to vacate the *sukkah* is when rain drops have fallen inside of a size which would ruin a cooked dish, if they would fall into it, even if it is a cooked dish of broad beans."

<sup>9</sup> At least a *k'zayit* (size of an olive) or preferably a *k'beitzah* (size of an egg). This is because dwelling in the *sukkah* on the first night of the holiday is a Torah obligation derived from a different verse, and not dependent on concept of dwelling in the *sukkah* the way one would reside in their house all year (*teishvu k'ein taduru*), as the rest of the days are (*Aruch Hashulchan, OH* 639:17).

<sup>10</sup> For example, *Teshuvot Shaarei Deah* 2:17 discusses extending this exemption to one who finds it painful to enter a *sukkah* that is occupied by his enemies or debtors.

### Notes to: Inviting Non-Jews and Conversion Candidates:

<sup>1</sup> See *Moadei HaRiya* pg. 310

<sup>2</sup> Maimonides, *Laws of Yom Tov* 1:13

<sup>3</sup> *Shulchan Aruch, Orach Chaim* 512:1

<sup>4</sup> See *B'Mareh HaBazak* Vol. 3:56, 3 (Based also on personal communication with Rav Yosef Carmel)

<sup>5</sup> See *B'Mareh HaBazak* Vol. 3:56, footnotes 5,6

<sup>6</sup> *Shulchan Aruch* OH 512:1, *Magen Avraham* 512:2; *B'Mareh HaBazak* 3:56: footnote 4

<sup>7</sup> *Shulchan Shlomo, OH* 512: Footnote 5. The case specifically refers to a Rosh Yeshiva in Russia who was accustomed to invite the Yeshiva students to his home. Some of the students were gentiles in the process of converting. In a separate note (#6) it is reported that Rav Auerbach was asked if it is permitted for a Jew to host two men, one of whom is Jewish and one of whom is in the process of conversion and is fully observant to help them learn how to live an observant life. Rav Auerbach rules that hosting the gentile is prohibited. The editors note that this ruling is not consistent with other widespread practices regarding hosting non-observant Jews on *Pesach* and conclude that in these circumstances i.e. that the purpose is for the gentiles to learn, once can be lenient.

<sup>8</sup> *Shulchan Shlomo OH* 512 footnote 5. There seems to be contradictory reports as to Rav Auerbach's position on this. The contradiction is worked out in footnote 6.

<sup>9</sup> *Teshuvot Michas Elazar*, Vol. III:8

<sup>10</sup> Personal conversation with Rav Schwartz (who noted that he was astounded when he read the *teshuva* of the *Michas Elazar* who is known as a "machmir and a kanaei [strict and zealous]"). Rabbi Shlomo Aviner also rules permissively based, in part, on this *Minchat Elazar* (<http://www.ravaviner.com/2011/04/shut-sms-109-hilchot-pesach.html>).

**Notes to: Insuring an Inclusive Shabbat Table**

<sup>1</sup> Rabbi Moshe Feinstein *Igrot Moshe O.C. 1:99*, Rabbi Shalom Yosef Elyashiv, and Rabbi Shmuel Vosner (*Shevet Halevi* YD 8:165:6; 8:256:2), for example.

<sup>2</sup> *Talmud Bavli, Avodah Zarah 6a*; Rashi, *Gittin 61a*

<sup>3</sup> *The Dagul Me-Revavah* explains the *Shach* (*Yoreh De'ah 151:6*) as teaching that the prohibition does not apply to one who will violate prohibitions on their own. He intends to regularly drive on Shabbat, for example, whether or not you have invited him.

<sup>4</sup> Based on *Binyan Tziyon* (15) and *Netziv (Meishiv Davar 2:31-32)*.

<sup>5</sup> This approach is taken by Rabbi Shlomo Zalman Auerbach (*Minchat Shlomo 2:4:11*), Rabbi Yaakov Kaminetsky (*Emet Le-Yaakov CH" M 423*), Rabbi Ya'akov Ariel (*Be-Ohalah Shel Torah 5:22*), Rabbi Shlomo Aviner (*She'eilat Shlomo 4:109*), Rabbi Yosef Tzvi Rimon (*Halakhah Mi-Mekorah: Tzava*, p. 287), Rabbi Chaim Avraham Zakutinsky (*U-Mekarev Bi-Yemin*, no. 16), and has been reported in the names of Rabbi Yosef Dov Soloveitchik, Rabbi Aharon Lichtenstein, Rabbi Yehudah Amital, and Rabbi Hershel Schachter.

<sup>6</sup> *Sanhedrin 27b*: we are mandated to take care of one another (*kol Yisrael areivin zeh l'zeh*),<sup>6</sup> and so we must try to bring other Jews closer to Torah. Rabbi Yaakov Ettlinger famously argued that today, when the norm among the Jewish people is not to be observant, we can no longer view the one who violates the Sabbath as an intentional sinner since the generation has been led astray (*Binyan Tzion HaHadashot 23*).

<sup>7</sup> *Teshuvot Ve-Hanhagot 1:358*

<sup>8</sup> Rav Akiva Eiger (*Y.D. 181:6*) argues that one is not in violation of *lifnei iver* if in the bigger picture one is helping the other person. A larger discussion to be explored would be whether one may commit a transgression to prevent oneself (or others) from violating a more severe violation (*Shabbat 4a*). Some medieval scholars are even reported to have engaged in open Shabbat violation in order to prevent another Jew from apostasy or from marrying a gentile (*Orach Chayim 306:14*). If one never experiences Shabbat, it may be impossible for them to ever embrace Jewish observance and thus it's a "spiritual life-death" issue.

<sup>9</sup> *Daf Keshet* #325, Adar 5752, vol. 4, pg. 44. Rav Lichtenstein advocates the approach of inviting guests to drive before Shabbat and to try to make arrangements for them to stay.

<sup>10</sup> [http://www.beithillel.org.il/blog.asp#.Uh3jEeDn\\_IV](http://www.beithillel.org.il/blog.asp#.Uh3jEeDn_IV)

<sup>11</sup> <http://www.jpost.com/Jewish-World/Jewish-News/Rabbis-allow-Sabbath-invites-for-non-religious-Jews>

## International Rabbinic Fellowship

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