The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תר"מ סעיף ח'-י'

Overview

Siman 640 Seif 8:

Those who travel during the day are exempt from the sukkah during the day but are obligated at night. Those who travel at night are exempt from the sukkah at night but obligated during the day. This is true if he will be able to find a sukkah but if he will not find a sukkah he may continue his journey even though he will not have a sukkah during the day or night, similar to what he would do the rest of the year in that he does not refrain from travelling just to stay at home and even if he travels just during the day he is exempt from the sukkah at night since he will not make his dwelling there. Those who travel to villages to collect debts and there are no sukkos available in those villages should be strict and return home each night to eat in the sukkah. Although there is room for leniency one who is stringent will be blessed.

- One is not required to wait to eat until a sukkah is available and he eats in a sukkah only if a sukkah is easily available when he wants to eat. (M.B. 40)
- In other words if he tried but could not find a sukkah nearby, he may eat and sleep without a sukkah and is not obligated to construct a sukkah. Even if a person knows that he will not find a sukkah he may embark on his journey. (M.B. 42)
- If one remains in a village for three or four days he is obligated to construct for himself a sukkah. (M.B. 45)

Siman 640 Seif 9:

Those who guard the city during the day are exempt from the sukkah during the day and obligated at night. Those who guard the city at night are exempt from the sukkah at night and obligated during the day.

- Shulchan Aruch refers to guards from attacks but guards to protect money are the same as guards of gardens and orchards discussed in the following seif. Those who sit in their store must eat in the sukkah even though throughout the year they eat in the store if they cannot return home to eat even if they live out of the town and the store is in the town. (M.B. 46)

Siman 640 Seif 10:

Guards of gardens and orchards are exempt during the day and night because if the guard were to make a sukkah the thief would know that the guard is in one place and will approach from a different direction. Therefore, if one is guarding a silo of grain where he could guard it all at once, he must construct a sukkah in the place where he sits guard. Those who make wine near idolaters on Sukkos are exempt from the sukkah during the day and at night since they must assure that the idolaters do not touch the wine but in a circumstance where guarding is not necessary they are obligated to be in the sukkah.

Halacha Highlight

Taking a vacation on Sukkos

Shulchan Aruch Siman 640 Seif 8

הולכי דרכים ביום פטורים מן הסכה ביום

Those who travel during the day are exempt from the sukkah during the day

Shulchan Aruch (סעי' ח') rules those who travel during the day are exempt from the sukkah during the day but obligated at night. Those who travel during the night are exempt from the sukkah at night but obligated during the day. The rationale behind this exemption is that the command to dwell in one's sukkah is taught with the word תשבו which Chazal explains to mean תשבו כעין תדורו—one should dwell in his sukkah the same way that he dwells in his home. Therefore, since a person does not refrain from travelling throughout the year even though it means he will not be in his home, on Sukkos as well one may travel even though it means that he will be outside of sukkah (מ"ב סק"א).

Rav Moshe Feinstein (אגרות משה או"ח ח"ג סי' צ"ג ואה"ע ח"ד סי' ל"ב אות ח') ruled that one may not take a vacation during Sukkos if it means that he will not have a sukkah in which to dwell. The exemption is only when dwelling in the sukkah will cause someone distress but one is not exempt if dwelling in the sukkah merely denies a person some pleasure. As such, if one must travel for business he is exempt because forcing him to refrain from taking a business trip will be a cause for distress. If one refrains from taking a vacation they will miss out on some extra pleasure that the vacation would provide but refraining from that vacation will not be a cause of distress. Rav Yosef Shalom Elyashiv (זמן שמחתנו פ"ב סק"ב אות ד') ruled that it is permitted to take a vacation even though it means that one will not sit in the sukkah. Since throughout the year people take vacations away from home, taking a vacation on Sukkos is not contradictory to the principle of תשבו כעין תדורו. He does add, however (קובץ תשובות ח"ב סי' ל"ז) that if one does not have a strong need for a vacation, it is better to remain so that he could fulfill the mitzvah but when one feels that there is a need for a vacation, it is permitted.