

The Machmir and the Meikel Making Allowances for the Other

It is a deceptively simple story. After the Mishnah (Sukkah 25a) teaches that one is permitted to eat a snack (“Achilat Arai”) outside the Sukkah, the subsequent Mishnah (Sukkah 26b) relates that Rabban Yochanan ben Zakai was given a small quantity of food to taste and that he asked that the food be brought to the Sukkah for him to eat.

Similarly, Rabban Gamliel was offered two dates to eat and some water to drink and he requested that these items be brought to the Sukkah for him to eat. On the other hand, when Rabi Tzadok was offered a snack to eat on Sukkot he chose to eat it outside the Sukkah in accordance with the rule articulated in the previous Mishnah.

The Gemara (Sukkah 26b-27a) explains that the stories in the Mishnah teach that one has options regarding snacking outside the Sukkah. One option is to follow the baseline Halacha and eat snacks outside the Sukkah. Another legitimate and Halachically meaningful action is to be Machmir (strict) and refrain from consuming even small amounts of food outside the Sukkah. The Rambam (Hilchot Sukkah 6:6) and the Shulchan Aruch (Orach Chaim 639:2) codify these both approaches as entirely legitimate Halachic options.

The Mishnah’s Connection to Churban Bayit Sheini

The Mishna seems to simply be communicating the options men have in regard to eating snacks outside a Sukkah during Sukkot. However, upon further reflection we may notice that the characters in this Mishnah are central rabbinic characters involved in the stories surrounding the destruction of the second Beit HaMikdash (see Gittin 55b-56b). We may wonder about the connection between the issue of eating snacks outside the Sukkah and Churban Bayit Sheini.

It is possible that this Mishnah implicitly presents a remedy to the spiritual malaise that was responsible for Churban Bayit Sheini. As is well known, Chazal (Yoma 9b) state that the sin of Sinnat Chinnam (baseless hatred) caused the destruction of the second Beit HaMikdash.

The Netziv in his introduction to Sefer Bereishit elaborates on this point. He writes that the Jews of the time were very pious and assiduously studied Torah. However, they regarded anyone who differed from them in their style of Yirat Shamayim as a heretic. In other words, the Machmir (strict one) and the Meikel (lenient one) made no allowances for the other.

Our Mishnah presents a remedy to this spiritual malady as it presents two equally legitimate and viable options in the manner in which one may observe the Mitzvah of Sukkah. We do not regard either option as “too frum” (Mechzei K’yuhara”) or “too liberal” or “too modern”. The Machmir and the Meikel make allowances for the other in this Mishna.

Keeping the Puck within the Blue Lines

This is not saying that the Halacha is a free for all, where anything goes. There are limitations. Chazal (Bemidar Rabba 13:16) teach that there are seventy faces to the Torah. It is significant that they do not say that there are infinite faces to the Torah. While there is a wide range of interpretation, there are boundaries. The seventieth approach is valid. The seventy first explanation is not.

A Sukkah at minimum must be at least ten Tephachim high and at maximum twenty Amot high. While there are boundaries there is ample room for variety between ten Tephachim and twenty Amot. However, beyond the boundaries is beyond the pale. As Rav Mordechai Willig is fond of saying to his students, (using a hockey related metaphor) we must keep the puck within the blue lines, otherwise one is called for off sides.

Ramifications for a Community Eruv

Machmirim and Meikilim need to make allowances for each other in regards to all areas of Torah life but especially in the context of community Eruvin. I have heard of unfortunate incidents on both sides of the aisle.

Sadly, I know of an incident of one community leader making every effort to hinder the efforts of the rabbi of a neighboring synagogue in his effort to adjust

the Eruv to hew to a stricter approach. At the other extreme, I also know of a son who refuses to bring his family to visit his widowed mother for Shabbat because the Eruv in her community relies on Tachuv¹.

An Eruv should satisfy all of the area's communal rabbis. Otherwise, the Eruv would serve as a source of controversy and friction which every effort should be made to avoid. Indeed, Rav Moshe writes (Teshuvot Igrot Moshe Orach Chaim 4:86) that one of the reasons he endorses the Eruv in the Kew Garden Hills section of Queens, New York is that all the neighborhood rabbis support it. However, provided that the community Rabbanim are operating within the proverbial "blue lines", those who wish to the Eruv be more Machmir and those who want the Eruv to be more Meikel must make allowance for the other.

Hashem Hates Machloket

It is rare to find something in Tanach or Chazal described as Hashem hating. One of the few incidences is Machloket (strife). Hashem is described by Rashi to the Chumash (Bereishit 11:9) as hating Machloket. As such, the Machmir and the Meikel must follow the example set by Rabban Yochanan Ben Zakai, Rabban Gamliel and Rabi Tzadok of the Machmir and Meikel making allowance for the other. This is the remedy to Churban Bayit Sheini and the path to the ultimate Ge'ulah.

¹ How unfortunate it is for the Laws of Eruv page 201 to state that Tachuv is "not used in normative Eruv construction". This statement is shocking considering that the following Posekim permit reliance on Tachuv: Aurch HaShulchan (Orach Chaim 362:32), Rav Shlomo Kluger (HaElef Lecha Shlomo, Orach Chaim 164), Teshuvot Maharsham (1:162: and 2:149), the Chazon Ish (O.C. 71:9), Teshuvot Divrei Malkiel (3:16, who is inclined to permit), Nefesh Chaya (number 34), Rav Tzvi Pesach Frank (Teshuvot Har Tzvi, O.C. 2:18:3), Teshuvot Chessed L'Avraham (number 21), Teshuvot Zekan Aharon (1:19), Teshuvot Chelkat Yaakov (Orach Chaim 1:180) and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:35:25). In fact, Rav Yaakov Bloi in his Netivot Shabbat (19:31) essentially rules in accordance with the lenient view, though, he notes that there are those who are strict about this matter. Rav Hershel Schachter, Rav Mordechai Willig, Rav Zecharia Ben Shlomo and Rav Eliezer Melamed all permit relying on Tachuv in a community Eruv, following what has been common practice in Israel for decades. How spot on is Rav Baruch Simon's remark (in his Imrei Baruch Eruvin UReshuyot page 114) "it emerges that many Acharonim rule leniently in regards to Tachuv".