



THE SHULCHAN ARUCH'S GUIDE TO PLANNING VACATIONS

Rav Hershel Schachter often quotes the principle articulated in *Chovas Halevavos* (*Sha'ar Avodas Ha'elokim* 4) that in Jewish thought, no activity is discretionary. We might have intuited that in life certain actions are obligatory (*mitzvos*), other actions are prohibited (*aveiros*), and many things fall in the middle as optional (*reshus*), left to our personal choice. *Chovas Halevavos* teaches that that is not the case. Any choice that confronts us in life, including decisions about when and where to vacation — must be analyzed through the perspective of what Hashem wants of us.¹

Large sections of halachic literature address what to do in *b'dieved* (post facto) circumstances: what, if any, corrective action must we take if

we recite the wrong *bracha*, forget *Ya'aleh V'yavo* on Rosh Chodesh, or drop milk in a *fleishik* pot. However, another area of halachic prioritization involves assessing when a person may consciously and proactively create a situation in which he will have to rely on halachic leniencies. This becomes especially relevant when planning leisure trips and vacations to venues and locations without the religious infrastructure that we enjoy in our home communities. To what extent should the lack of a minyan or the need to rely on other leniencies influence our choice of where to vacation?

The purpose of this essay is not to provide absolute answers to any of these questions, since most of the particulars are subject to dispute

among contemporary authorities and a variety of factors may influence every individual decision. The objective is simply to sensitize the reader to the complexities of the issues.²

A. The Halachic Status of Vacations

The Gemara in *Shabbos* (19a) rules that a person may not set sail on a boat within three days of Shabbos.³ While there are many explanations for this restriction, *Ba'al HaMaor*, whose opinion is codified in *Shulchan Aruch* (*Orach Chaim* 248:4), understands that since boat travel will likely involve some form of *chilul Shabbos* — which in context would be permissible to prevent the boat

from capsizing and endangering the lives of the passengers — one may not put himself in a situation within a few days of Shabbos that will knowingly necessitate *chilul Shabbos* for lifesaving purposes.

However, the Gemara distinguishes between traveling for mitzvah purposes and traveling for *reshus*, discretionary purposes. If one is traveling for a mitzvah, one may set sail later in the week, despite the likelihood that doing so may necessitate *chilul Shabbos* for lifesaving purposes.

Interestingly, Mordechai (*Shabbos* 258), presents the position of Rabbenu Tam that expands the definition of mitzvah to include traveling for business or even to visit a friend, although not trips that are purely for leisure. According to Rabbenu Tam, any functional trip justifies putting ourselves in a potentially compromised halachic

situation. Rema (248:4) references this position as the basis for what he perceives as common practice to be lenient about setting sail during the latter part of the week.⁴

Even if Mordechai's expansive definition of mitzvah excludes a trip for leisure, there may be contexts in which a pleasure trip could be considered a mitzvah.⁵ In general we may not walk a distance in excess of 2,000 amos (3,000-4,000 feet) outside of the city limits on Shabbos or Yom Tov. If, however, we established an *eruv techumin* outside of the city limits prior to Shabbos or Yom Tov, we may walk 2,000 amos beyond the location of the *eruv techumin*. The Gemara (*Eruvin* 82a) rules that we may only create an *eruv techumin* for a mitzvah purpose. *Terumas HaDeshen* (77; quoted by Rema in *Orach Chaim* 415:1) writes that even walking to admire an orchard outside of the city limits is considered a mitzvah.

Presumably the rationale for this expansive definition of mitzvah is that taking a walk for pleasure enhances our enjoyment of Shabbos. It follows that halacha does recognize traveling for pleasure as having independent value, at least in some contexts, and that may factor into halachic decision making.

B. Traveling to a Place Without a Minyan

May we plan a vacation to a location where we will not have access to a minyan? *Shulchan Aruch* (*Orach Chaim* 90:9,16) rules that *yishtadel adam l'hispalet b'veis hakneses im hatzibbur* — we should always endeavor to daven with a minyan. If we are traveling, we must travel up to a distance of four *mil* (8,000 amos) on our way or one *mil* (2,000 amos) out of the way in order to find a minyan. If one is an *ones* (beholden to circumstances beyond his control)



and cannot make it to shul, he should daven at the same time that the congregation davens.

What is an *ones* in this context? *Mishneh Brurah* (90:29) writes that it could refer both to one who is physically unable to make it to a minyan and to one who will stand to lose money by going to shul (see *Terumas HaDeshen* 5). However, if one will merely miss the opportunity to turn a profit, that does not exempt him from davening with a minyan.

Our question of whether we may plan a vacation to a place without a minyan should presumably relate to how absolute the obligation to daven with a minyan is. Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 2:27) understands that the requirement to travel a certain distance, despite the presumed difficulty or inconvenience, in order to daven with a minyan, indicates the absolute nature of the obligation. The fact that the required distance is limited to four *mil* does not necessarily reflect a lower level of obligation, since positive commandments often entail limitations to the amount of effort necessary to expend for their performance.

Furthermore, argues Rav Moshe, the *Shulchan Aruch's* formulation that we “should endeavor” to daven with a minyan should not be construed as reflecting a lesser *chiyuv*.⁶

Rav Aryeh Pomeranchik (1908-1942, student of the Brisker Rav who made aliya in 1933) in *Emek Bracha* (*Birchos Kerias Shema* 1) assumes that there is no absolute obligation of *tefillah b'tzibur*. He cites as proof a Gemara in *Brachos* (7b) that once Rav Nachman did not gather together a minyan because there was too much effort involved. He further cites *Chavos Yair*

(115), who did not permit asking a non-Jew to perform a rabbinic *melacha* on Shabbos in order to facilitate davening with a minyan, even though in general it is permissible to ask a non-Jew to perform a rabbinic *melacha* to assist in performing a *mitzvah* (*shvus d'shvus b'makom mitzvah*).⁷

R. Shmuel Vosner (*Shevet HaLevi* 6:21:3) and R. Moshe Shturnbuch (*Teshuvos V'hanhagos* 2:63) assume that davening with a minyan constitutes an absolute obligation. They therefore rule that under most circumstances it is prohibited to vacation in a place without access to a minyan, as we may not knowingly put ourselves in a situation in which we will be unable to fulfill a positive commandment, even if it is only rabbinic in nature.⁸

Both of these authorities acknowledge that if there is a medical necessity, we may vacation in a place without a minyan. Rav Shturnbuch writes that there were *tzadikim* who spent time in places without a minyan in order to not be disturbed and thus strengthen their *avodas Hashem*, but that most people do not honestly have such calculations.⁹ Rav Zalman Nechemia Goldberg, however, acknowledges potential grounds for justifying traveling to a place without a minyan.¹⁰

C. Travelling on Succos to a Place Without a Succah

Poskim discuss whether and under what circumstances we may travel on Chol HaMoed Succos to a place where we will not have access to a succah. The Gemara (*Succah* 26a) teaches us that travelers who travel by day are exempt from succah in the daytime and travelers who travel

at night are exempt from succah at night. Rashi explains that the typical scenario the Gemara addresses is when we need to travel for business purposes. Furthermore, the Gemara says that people traveling for a *mitzvah* purpose are exempt from succah both during the day and at night. The Gemara presents travelling to visit one's rebbi as an example of a *mitzvah*.

Rav Moshe Feinstein (*Igros Moshe, Orach Chaim* 3:93) rules that the Gemara only allows traveling under these circumstances for financial need or for a *mitzvah*. However, travelling for enjoyment or pleasure does not constitute a *mitzvah* and therefore would not exempt one from the *mitzvah* of succah.¹¹

Sefer HaSuccah (Rabbi Eliahu Weissfish, Miluim to Chapter 18 p. 458 in the 1993 edition) presents a similar ruling in the name of Rav Shlomo Zalman Auerbach. Rav Shlomo Zalman quoted *Magen Avraham* (640:4), who writes (based on earlier sources) that one who took a strong laxative on Succos and is therefore too uncomfortable to sit in the succah must still sit in succah because he had the option of taking this laxative before Succos. Therefore, he is at fault for putting himself in a situation that would make sitting in the succah difficult. If one who is in pain may not create a situation in which he will not be able to sit in the succah, all the more so, one who travels for a nonessential purpose should not be exempt from succah.¹²

Rav Yosef Shalom Elyashiv (*Hearos on Maseches Succah* quoted in the sefer *Shilhi D'Kayta* by R. Shmuel Baruch Genuth, 2001, p. 92) disagreed with Rav Moshe's conclusion. The reason that we may

travel for business even if it means forgoing the mitzvah of succah is that succah must be observed as *teishvu k'ein taduru* — we dwell in the succah the same way we dwell in our houses the rest of the year. Just as one regularly leaves his house to go on a business trip so too may one travel for business on Succos. By the same token, if it is normal for people to go on vacations or travel for pleasure, they may do so even on Succos regardless of whether succah arrangements are possible.¹³

While there may be legitimate grounds for allowing discretionary travel on Chol HaMoed to a place without a succah, it is worth considering the following observation of Rav Aharon Lichtenstein, which is relevant to the earlier discussion about minyan, and many other applications as well:

One should be firmly and sharply opposed — both educationally and from the perspective of Jewish beliefs and values — to tiyulim (excursions) or activities organized in a way that involves not observing the mitzva of sukka. The existence of formal exemptions from positive mitzvot is not the exclusive nor the only decisive way of gauging whether to perform them. We do not speak of actual evasive trickery (ha'arama) — itself a significant problem in halakha and belief — and this is not the forum to relate to it. Even not relating fully to a mitzva is problematic, even when it involves ignoring and not evading. A Jew must be saturated with an ambition and longing for mitzvot and not, God forbid, view them as a burden he is inescapably stuck with that he tries to cast off at the first opportunity. This point is at the root of the trait of “zerizut” (acting with enthusiasm and

energy), rooted in the obligation not just to serve God, but to serve him with joy and exhilaration.¹⁴

D. Saving Vacation Days for Chol HaMoed

In planning when to take a vacation, we should consider the following question. We generally assume that if we stand to lose our job by not working on Chol Hamoed then we are permitted to do so, since working under those circumstances is considered a *davar ha'avud*, preventing loss of our source of income. However, if we are entitled to one or two weeks of vacation that we may take any time during the year, must we save these vacation days for Chol Hamoed at the expense of taking time off in the summer or another more convenient time?

Both R. Moshe Shturnbuch (*Moadim U'Zmanim* 4:301) and R. Moshe Stern (the Debrecener Rav, *Be'er Moshe* 7:65 and teshuvah #41 appended to *Chol HaMoed* (Artscroll) by Rabbi Dovid Zucker and Rabbi Moshe Francis of the Chicago Community Kollel) assume that if we use up our vacation days in advance of Chol HaMoed that would be considered *mechavein melachto laMoed*, intentionally delaying work until Chol HaMoed, which is prohibited (see *Shulchan Aruch, Orach Chaim* 537:16 and 538:1).¹⁵ The Debrecener does concede that if a person needs to take vacation time earlier for health reasons he would be permitted to do so, but cautions that a person should be honest with himself about what his legitimate needs are.

Rav Moshe Feinstein takes a more liberal stance on this question. A brief ruling in his name appended to

the aforementioned *Chol HaMoed* book (#18) says without explanation that taking a vacation in the summer with the knowledge that we will then need to work on Chol Hamoed is not considered *mechavein melachto lamoed*. The *Chol HaMoed* book (Chapter 9 footnote 63) quotes Rav Yaakov Kamenetsky as explaining that *mechavein melachto lamoed* applies when we deliberately delay work that we need to do until Chol Hamoed when we expect to have more free time (see Rambam *Yom Tov* 7:4). If we take a vacation in the summer because that is a convenient time for our family, even if as a result we will have to work on Chol HaMoed, that is not considered *mechavein melachto lamoed*.

Rav Moshe does still say that there is a *midas chassidus* to forgo a summer vacation in order to be able to stay home on Chol HaMoed. He also notes that if one has no particular need to take vacation days in the summer then he should save them up for Chol HaMoed.

Both *Shmiras Shabbos K'hilchasah* (Chapter 67 footnote 47) and Rav Yaakov Kamenetsky (quoted in *Chol HaMoed* Chapter 9 footnote 65 and *Biurim* 8) assume that everyone should agree that if we have accumulated vacation days come Pesach, we may not go to work on Chol HaMoed Pesach in order to save them up for the summer. That would definitely be considered *michavein melachto lamoed*. The whole debate is limited to taking vacation days in the summer at the expense of saving them up for Chol Hamoed Succos.

E. Supporting Jewish Owned Businesses and Travel to

Israel

There is a further consideration that should impact on our choice of venue for vacations. Rashi in Parshas Behar (25:14) quotes a Toras Kohanim that instructs:

מנין כשאתה מוכר מכר לישראל חברך
תלמוד לומר וכי תמכרו ממכר לעמיתך מכור
ומנין שאם באת לקנות קנה מישראל חברך
תלמוד לומר או קנה מיד עמיתך.

How do we know that when one sells, one should sell to a fellow Jew? The Torah teaches "When you sell property (it shall be) to your fellow [Jew]" How do we know that if you are buying that you should buy from your fellow Jew? The Torah states "or you purchase from the hand of your fellow."

Chazal teach us that when engaging in commerce we should preferably sell our merchandise to a fellow Jew and buy from a fellow Jew.

The parameters of this directive are not immediately clear. Does this halacha only apply if all else is equal? Must we give priority to giving business to a fellow Jew even at a loss? Is there a difference between a big loss and a small loss?

We do find a parallel halacha in the context of extending loans. The Gemara in *Bava Metzia* (71a) tells us that we should prioritize extending a loan to a fellow Jew, even if we have a choice between lending money to another Jew without interest and to a non-Jew with interest. The Chofetz Chaim (*Ahavas Chesed* 1:5:1-2) rules that this directive does not apply to someone who is in the loan business,

for whom earning interest on a loan to a non-Jew is a source of income.¹⁶ Similarly, Chofetz Chaim assumes that we should give priority to selling to or buying from a Jew if the profit margin will be equivalent or even slightly disadvantageous. However, we need not do so at a significant loss.¹⁷ Exactly where to draw the line may be case specific.¹⁸

Presumably this should be relevant to planning a vacation. If all things are equal, it would be better to give our business to a Jewish proprietor.¹⁹ When things are not equal, meaning there is a financial or other advantage to patronizing a different establishment, we should consider how much weight to assign to this halachic preference.

If we have a choice between vacationing in Israel or elsewhere, this factor may become even more prominent. In traveling to Israel we have the opportunity to support a Jewish economy, not just a solitary Jewish proprietor. Moreover, the Gemara (*Kesubos* 101a, codified in Rambam, *Melachim* 5:11) tells us that one who walks four cubits in Eretz Israel is guaranteed a share in the World to Come.²⁰ In deciding whether to travel to Israel or to Cancun, we should consider this added benefit.

Vacations can provide us with opportunities to reflect and recharge and to connect with family in a less pressured environment. Yet a vacation itself must contribute to an enhanced *avodas Hashem* and not become a vacation from *avodas*

Hashem. Our decisions about where and when to vacation can ensure that such trips will be spiritually enriching.

Endnotes

- 1 See *Rav Schachter on the Parsha*, Alan Weissman, editor, pp. 147-8.
- 2 There are a number of valuable works published in recent years that address halachos related to vacations and leisure. They include: Rabbi Betzalel Stern, *Ohalecha B'Amitecha* (Yerushlayaim 2005); Rabbi Shmuel Baruch Genuth, *Shilhi D'Kayta* (Bnai Berak 2000); *Kovetz Halachos L'Meonos HaKayitz*, Rabbi Yisroel Dovid Harfenes; *Menuchas Emes*, Rabbi Mordechai Gross (Bnai Berak 2005); *Vayehi Binsoa* (Bobov Beis Medrash, Antwerp 2005); Rabbi David Stav, *Bein HaZemanim* (Tel Aviv 2012).
- 3 According to *Magen Avraham* (248:2), the three days begin on Wednesday. See *Mishneh Berurah* (248:4), who writes that the Vilna Gaon quotes many *rishonim* who held that the three days begin on Thursday.
- 4 *Mishneh Berurah* (248:36) does recommend being stringent to only set sail for a real mitzvah purpose, as Rabbenu Tam's position was not universally accepted.
- 5 See Rabbi Menachem Salei, *HaTiyul B'safrut HaShu"t*, in *HaMaayan* 16, pp. 20-23 for source material on this topic. Thanks to Rabbi Joshua Flug for referring me to this article. See also Rabbi Netanel Wiederblank's article in this section.
- 6 See *Shulchan Aruch HaRav* 90:17.
- 7 The *Chavos Yair* was responding to whether it was permissible to hire a non-Jew to ferry one across a river in order to daven with a minyan. He cites Maharil (quoted in *Magen Avraham* 415:2) who did not permit establishing an *eruv techumin* in order to walk to a minyan on Shabbos. See Rav Yitzchak Zilberstein, *Melachim Umnayich*, p. 171, who points out that *Peri Megadim* (613 *Eshel Avraham* 8, quoted in *Mishneh Berurah*, *Shaar Hatziyun* 614:20) argues with the Maharil,



Find more shiurim and articles from Rabbi Michoel Zylberman at <https://www.yutorah.org/rabbi-michoel-zylberman>

and by extension the *Chavos Yair*. For further analysis of the nature of the obligation to daven with a minyan please see the forthcoming *Rav Schachter on Tefillah*, Alan Weissman, editor (anticipated publication date February 2020).

8 In a 1992 *teshuvah* (*Shevet HaLevi* 8:68), Rav Vosner responded to an ostensibly learned individual who was vacationing with his family for ten days in an area without a minyan. [From the context of the response that also addresses the halachic dateline it sounds like it was in Australia or New Zealand.] This person represented that he erred in calculating the days of the week and observed Shabbos on Sunday until a non-Jew informed him of his error. [Rav Vosner was unwilling to rely on the opinions that the local Sunday is indeed the halachic Shabbos in that part of the world.] Rav Vosner writes that if this family would have been careful not to travel to an area without a minyan this horrible mistake would never have happened.

9 Rav Vosner dismisses the argument that the obligation to daven with a minyan only applies when one has a minyan available, and there is nothing wrong with putting oneself in a situation where one will not have a minyan. *Yad Elyahu* (6) does suggest that one need not refrain from traveling just because he will miss a minyan, but his context appears to be limited to missing a single *tefillah* and not putting oneself in a situation where one will miss a minyan for an extended period of time.

10 *Halichos Shlomo* (Tefillah 5:4) in the name of Rav Shlomo Zalman Auerbach writes that *ain ra'uy* — it is not appropriate to travel to a place where there will not be a minyan unless he is doing so for business, a mitzvah, or health reasons. In a brief essay appended to that chapter of *Halichos Shlomo* (p. 71, 358), Rav Zalman Nechemia Goldberg, Rav Shlomo Zalman's son-in-law, wonders whether his father-in-law intended to say that doing so was absolutely prohibited, or just that it was commendable (*midas chassidus*) to avoid traveling to such a location. He points out that at first glance, we should argue that if, according to the *Baal HaMaor*, one may set sail more than three days before Shabbos even if one knows that doing so will result in *chilul Shabbos*, one should surely be allowed to travel to a place without a minyan, which is a lower grade violation. However, he then notes that perhaps the case of going on a boat is different than the issue at hand. *Yeshuos*

Yaakov (*Choshen Mishpat* 20) suggests that the only reason one may put himself in a situation of having to violate Shabbos is that *pikuach nefesh* is unequivocally permissible. However, putting oneself in a situation in which he will have to forgo the performance of a mitzvah is not considered *ones* — a situation of duress, but *ratzon* — knowingly avoiding a mitzvah. That is why a person cannot exempt himself from the mitzvah of sitting in a succah on Succos by merely not building a succah ahead of time, even though in point of fact once Succos arrives he will not have the means to perform the mitzvah. However, Rav Zalman Nechemia entertains that perhaps the halacha that a person need not travel more than four *mil* forward or one *mil* backwards in order to find a minyan is not because one is considered an *ones* if he finds himself at a larger distance, but because the obligation of davening with a minyan was never instituted in those circumstances. If so, one could justify putting himself in a situation where he will not have access to a minyan if there are counterbalancing considerations.

11 See, however, a brief *teshuvah* in *Igros Moshe* (*Even Haezer* 4:32:8) that acknowledges circumstances in which it may be acceptable to travel for pleasure to a place without a succah. If a person is visiting Eretz Yisroel for Yom Tov and will be returning home immediately after Succos and he wants to go sightseeing, he may do so on Chol HaMoed irrespective of not having access to a succah. This may apply not only to travel in Eretz Yisrael, which may involve a mitzvah (see Section E below), but even to travel in an exotic location when Chol HaMoed affords the only opportunity to go sightseeing.

12 Rav Ovadia Yosef (*Yechaveh Da'as* 3:47) also rules stringently, as does *Shmiras Shabbos K'Hilchasah* (66:59), although the latter does raise a question about Rav Moshe's analysis.

13 See *Emek Bracha* (*Succah* 20). See also Rav Moshe Shturnbuch (*Moadim U'Zmanim* 1:89) who presents a more nuanced approach to this question that does allow for possible leniency. Rav Mordechai Gross, *av beis din* of Chanichei Yeshivos in Bnei Brak (*Menuchas Emes*, 2005, 27:15) rules leniently on this matter, as does Rav Hershel Schachter.

14 From Rav Aharon Lichtenstein, "Travelling and the Mitzvah of Succah," translated by Rabbi Eliezer Kwass, available at <https://www.etzion.org.il/en/travelling-and-mitzva-sukka>. My thanks to Rabbi Netanel

Wiederblank for directing me to this source. The original Hebrew version of this article appears in Rav Lichtenstein's *Minchas Aviv* (2014), pp. 575-584.

15 Rav Schachter is of this opinion as well.

16 See *Igros Moshe* (*Yoreh Deah* 3:93) who is unsure of the exact parameters of this halacha in practice.

17 He cites as evidence for this *Shu"t Rema* (10), although the commentary *Toras Chesed* on the *Ahavos Chesed* (R. Dovid Gutfarb) notes that it is not readily apparent from the Rema that one need not still prioritize doing business with a Jew in the face of a significant loss of profit. He does note, however, *Tashbetz* (3:151), who discusses doing business with a Jew only in the context of a minimal possible loss of profit. See Rav Asher Weiss (*Shu"t Minchas Asher* 3:106:2). *Be'er Moshe* (2:120) also rules that one should give preference to a Jewish business even if it is slightly more expensive.

18 See, for example, *Minchas Yitzchok* (3:129), who, in a 1959 *teshuvah*, discusses patronizing a non-Jewish owned supermarket that is able to undercut the local Jewish owned grocery. It is noteworthy that the halacha of prioritizing business with a Jew is not codified in Rambam or *Shulchan Aruch*, as opposed to the prioritization of loans (which appears in *Choshen Mishpat* 97:1). Rav Asher Weiss (<https://bit.ly/2YplDgP>) suggests that this halacha may not be an absolute requirement, but merely a *midas chassidus*, a righteous act.

19 See *Chasam Sofer* (*Choshen Mishpat* 134), and Rav Moshe Shturnbuch (*Teshuvos V'Hanhagos* 1:445, 2:724) regarding the status of non-observant Jews vis-a-vis this halacha.

20 *Shilhi D'Kayta* (p. 88) quotes that Rav Yosef Chaim Sonnenfeld (1848-1932) would be sure to walk a new four cubits every day. The author notes that Rav Chaim Kanievsky wrote to him that he was unaware of a source for such a practice.