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חירות ואחריות

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## HOMEFULNESS: BEING IN A SUKKAH STATE OF MIND

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Vayikra 23:42 contains two commands to be *yoshev* in sukkahs on Sukkot. *Yoshev* can mean anything from sitting down to establishing permanent domicile, and Mishnah Sukkah 27a unsurprisingly records a dispute between Rabbi Eliezer and the Sages regarding its meaning here. Rabbi Eliezer requires eating two meals in the sukkah each day of the holiday, one at night and one during the day, whereas the Sages say that there is no fixed obligation to eat in the Sukkah other than the first night.

Talmud Sukkah contends that both positions understand *yoshev* as mandating "something analogous to *dar* (=dwelling in)." Rabbi Eliezer interpreted this to require using the Sukkah in all the ways a house is ordinarily used. The Sages, however, argue that "dwelling in" cannot be captured by performing a fixed set of activities such as eating meals. To "dwell" somewhere entails the freedom to choose whether to eat there, or not.

ROSH to Berachot 49b argues that the Sages' position generates a paradox. They claim that eating in the Sukkah from the first morning on is purely optional; but isn't there an obligation to eat a formal meal on Yom Tov, meaning a meal centered on bread? And isn't there a prohibition against eating bread outside the Sukkah? So in fact one must eat at least the second Yom Tov meal in the Sukkah!?

ROSH squares the circle as follows. Mishnah Sukkah 28b states: "If rain falls, at what point can one evacuate the Sukkah? When it spoils a medium-thick stew." The Sages' position that eating in the Sukkah is optional can be sustained in the case of such a rain, as people would then eat even their formal, bread-centered Yom Tov meals outside the Sukkah.

ROSH hastens to add that one must nonetheless eat at least an olivesize inside the Sukkah on the first night, even if it never stops raining, even though one is eating the full Yom Tov meal elsewhere.

Why should this be so? The Sages in Mishnah Sukkah 27a concede that one is obligated to eat in the Sukkah on the first night. Talmud Sukkah 27a explains that even though no such obligation is generated directly by the obligation to "dwell" in the Sukkah, a *gez'irah shavah* connects this mitzvah to the obligation to eat matzah on the first night of Pesach. But according to Talmud Sukkah 28b, the exemption in case of rain is grounded in the idea that you need not "dwell" in a Sukkah **more** obstinately than you would in your house. If you would leave your house to eat or sleep because of the rain, you can leave your sukkah as well. Meiri explains that since this exemption is rooted in the concept of "dwelling," it does not apply to the first night's obligation, which is

not derived from the concept of dwelling. (Meiri's explanation can support a position, which he may attribute to the Sages of Lunel, that requires eating not only an olivesize but rather the entire meal in the rainy Sukkah, and sleeping there as well.)

Here we must note that ROSH did not use the language of Mishnah Sukkah 28b to describe the exemption in case of rain. Rather, he used the phrase *mitztaer mipnei yeridat geshamim*, suffering because rain is falling. His use of *mitztaer* seems a deliberate allusion to Rava's statement (Sukkah 26a and Avodah Zarah 3b; also Sukkah 25b in the name of Rav) that a *mitztaer*, such as one who can't endure an odor, is exempt from the Sukkah. The exemption in case of rain is therefore just an instance of Rava's category of *mitztaer*. It follows that **all** exemptions for "suffering" entail permission to eat even formal bread-centered meals outside the Sukkah. The standard for "suffering" is derived from the principle that one need not "dwell" in one's Sukkah more obstinately than one dwells in one's house.

Here I want to raise a question: Why should the standard for exemption from the mitzvah of Sukkah be different, and separately derived, than the standard for exemption from all other positive commandments? Why shouldn't it be the same as that for shofar, or matzah?

I suggest that the term "exemption" here is actually a misnomer. Let me explain.

Talmud Sukkah 27b records another dispute between Rabbi Eliezer and the Sages. Rabbi Eliezer holds that one cannot fulfill one's obligation using another person's Sukkah. The Sages, however, declare that "All Israel could appropriately sit in a single Sukkah."

The Sages' position appears to contradict the principle that one must "dwell" in the Sukkah. Can one dwell in someone else's house? For example, *beraitot* on Sukkah 28b requires bringing your fine utensils and furniture out to the Sukkah. Presumably you need not bring them along to a friend's Sukkah. But then how can you fulfill your obligation there?

We can square this circle on the basis of Talmud Sukkah 26a. A *beraita* states that orchard and field guards are exempt both day and night from Sukkah. The Talmud asks: Why not require them to build sukkahs in the orchards and fields? Abbayay's response is that this too is derived from "dwelling." Rashi explains that "dwelling" requires one's fine utensils and furniture, and it would be too much bother to bring them out the fields and orchards, so he is exempt. But how is this different from a friend's sukkah?

My answer is that the orchard guard is not really “exempt.” Rather, the guard is living in his sukkah exactly the way he would in his year-round house. He would leave that house for the harvest, but that would not mean he wasn’t living there – living in a house doesn’t mean you always have to be there, just as the Sages above contended that it doesn’t mean you have to eat two meals a day there.

In other words, the fundamental mitzvah of sukkah (after the first night) is not to do anything specific in a sukkah, but rather just to live there. The Sages’ explain that one can live in a sukkah even though one never eats in it. Abbayay goes them one better: one can live in a sukkah even if one never goes into it at all, for example if one is camping. And then he goes them two better: one can live in an imaginary sukkah. Because if one will be in the fields all seven days, why not eat in a friend’s sukkah the first night, and not bother building one’s own?

The idea of living in an imaginary Sukkah may seem strange, especially to readers who are not Halakhic Persons. The laws of *techumin* may provide a useful analogy. One may travel on Shabbat a distance of two thousand amot in any direction from where one is when Shabbat falls, or two thousand amot from one’s home – because home is where your mind is.

Here is a more direct illustration. The beraitot on Sukkah 20b that requires your fine utensils as part of “dwelling” also require “eating, drinking, pacing, and learning” in the Sukkah. The 9<sup>th</sup> century Gaon R. Natronai was asked: Must a community build a sukkah for its synagogue and beit midrash? He replied: One does not live in a synagogue, so there is no need for a sukkah to replace it. People can spend their entire day davening and learning in a solid building with a waterproof roof, and that poses no problem at all halakhically, because that’s not where they live. They live in their Sukkah.

Rav Natronai notes with approval that some communities build sukkahs in the synagogue courtyard for guests. However, he objects to having locals use those sukkahs.

Over time, for reasons ranging from weather to security to architecture to economics, building private sukkahs became less common, and synagogue sukkahs became the only option for many locals. That was the case for me growing up in Washington Heights.

Now community sukkahs are never large enough for everyone to sleep in simultaneously, and often, they are not big enough for everyone to eat meals in, even in shifts. So in some medieval communities people just sat for a moment, made the blessing *leishev basukkah*, and left. Eventually, the general custom required eating, but not a full meal; and some communities required a contribution to the sukkah building fund.

However, Rabbi Eliyahu Chazan, Chief Rabbi of Alexandria from 1889 – 1908, in Neveh Shalom 637:2 defended his community’s practice of “not building a sukkah all of Sukkot, and all of Sukkot eating outside the Sukkah, rather just making kiddush on the first night in someone’s sukkah, or listening to someone make kiddush in their sukkah, and leaving,” on the ground that building private sukkahs had become impossible for many.

The underlying principle was always the same. A practical exemption from all but the most minimal requirements of sukkah does not mean to exclude performing the mitzvah. Even if one is unable to eat, sleep, learn, etc. in one’s own Sukkah, one can still live there, as if one is merely camping elsewhere, or waiting for the hazmat team to disinfect one’s house. Perhaps the most fascinating formulation is that of the 16<sup>th</sup> century Turkish Responsa Zkan Aharon 165: “Those who have the custom of making a sukkah in the synagogue (courtyard) and having everyone eat an olivesize there, because they are poor and not everyone has a sukkah – they did this as a mere remembrance (of the actual mitzvah), and the Torah (primarily) requires the heart.”

#### ADDENDUM

The essay above hopefully holds interest merely as exposition. But I do think that it has implications for our sukkah-practice during the pandemic.

Our communal sukkah-practice is focused on eating, rather than on other components of living in the Sukkah that the Talmud sees as coequal, such as just spending time, or learning. But eating may be very risky in a communal sukkah; it requires unmasking, and certainly eating full meals requires longer exposures, and makes it much harder to arrange a schedule with little overlap. The margins for error shrink, and people get sloppy when they’re rushed.

The truth is that eating may be less “living somewhere,” in an age where eating out is so normal, than spending five quiet minutes just taking in the space.

I’m not prepared here to make general statements about health exemptions from eating in the Sukkah, and what that means for what one can eat elsewhere. But I hope the framework I set out is helpful for decisors considering such questions, and for communities and individuals establishing their expectations and priorities.

A homiletic note in conclusion: Living in a Sukkah is not homelessness; rather, it means that one has a home, but that the home is inevitably going to vanish. It requires giving real value to the ephemeral without denying its ephemerality. It reminds us that human life is infinitely precious and incredibly fragile. May we act accordingly.