

The Stolen Succah

The Torah commands us: "You shall make a festival of Succos for yourself." (*Devarim 16:13*) This phrase lends itself to different interpretations. Beis Shammai sees in it a requirement that in order to be valid, a succah must be built specifically for the purpose of fulfilling the mitzvah to dwell in a succah. Therefore, Beis Shammai disqualifies a succah built more than 30 days before the festival which was not built specifically for the mitzvah. Their interpretation of the passage is based on transposing the words to read "You shall make succahs for the (purpose of the) festival." Also, in the final phrase "for yourself" they see a requirement that the succah be made "for fulfillment of your mitzvah."

Beis Hillel, on the other hand, interprets "for yourself" as "of yourself," disqualifying a succah which is not yours but stolen from someone else.

Tosefos here raises an interesting problem. The *gemara* (*Succah 30a*) explains that a stolen *lulav* (one of the four species we are commanded to hold during Succos) is invalid for the fulfillment of the mitzvah. Why? Because, explains the *gemara*, you cannot fulfill a mitzvah through committing a sin. If so, asks Tosefos, why was it necessary for the Torah to use a special phrase to disqualify a stolen succah, when we would have disqualified it in any event, because it came about through a sin?

Tosefos' conclusion is that the disqualification of a mitzvah through sin is only of rabbinic origin, whereas dwelling in a stolen succah is ruled out even by the Torah, based on the phrase "for (of) yourself."

An alternative approach to Tosefos' challenge is proposed by the nineteenth century author of *Minchas Chinuch* (*mitzvah 325*). Even if the disqualification of a mitzvah through sin is of Torah origin, it means only that the object acquired through transgressing Hashem's will cannot be used to fulfill His will. It does not mean, however, that the succah is not a valid succah.

This distinction is subtle, yet it has the following ramifications: There are two categories of obligation regarding eating in a succah. On the first night (the first two nights outside of *Eretz Yisrael*) there is a positive command to eat a meal in a succah, just as there is a positive command to eat matzah on the first night of Pesach. After that, there is only a requirement that any meals eaten during the festival should not be eaten outside the succah. If the Torah did not write "for (of) yourself" we would only have applied the "mitzvah-through-sin" disqualification to the succah thief's fulfillment of the mitzvah to eat in the succah on the first night. But we would not have disqualified the stolen succah as a succah, and thus we would not consider one's eating his meals there as if he were eating *outside* the succah. But now that the Torah tells us that a stolen succah is not a succah, one who eats in it anytime during Succos is guilty of eating outside the succah.

Succah 9a

The Succah in the Wilderness

In what kind of succahs did our ancestors dwell in the wilderness? Rabbi Eliezer says they were not man-made succahs, but rather miraculous pillars of cloud — "clouds of glory" — which protected the Children of Israel from the inhospitable desert climate. Rabbi Akiva's view is that they were succahs which the people put up for shade wherever they camped on their way through the wilderness.

Although the consensus of the commentaries is to accept Rabbi Eliezer's view (see *Targum Onkelos* on *Vayikra* 23:42), there is an interesting perspective of how to approach these two differing views.

There is a fascinating relationship of mutual love between Hashem and His chosen people. In the manner of such relationships, each party seeks to compliment and praise the other. We refer to the festival celebrating our exodus from Egypt by the name "Pesach," which recalls that Hashem did "Pass-over" the Jewish homes when He slaughtered the Egyptian firstborn. But Hashem, in His Torah, calls it the "Festival of Matzos," to pay tribute to the faith of our ancestors in departing from Egypt for the wilderness at His command, with no more provisions than some *matzos*.

Rabbi Akiva understands the phrase "In order that your generations shall know that I caused you to dwell in succahs when I took you out of Egypt" (*ibid.*) as the Torah's reminder not only of Hashem's kindness in liberating us, but also of our ancestors' faith in following Hashem into an inhospitable desert, where they had to struggle to build shelters against the elements. Rabbi Eliezer, however, sees the succah as the premier expression of our appreciation of all Hashem's many kindnesses shown to us in protecting us, providing us manna from heaven, water from a miraculous spring, and all our needs throughout our sojourn in the wilderness.

Succah 11b

Prepared by Ohr Somayach in Jerusalem, Israel

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☎ 22 Shimon Hatzadik Street, POB 18103, Jerusalem Israel

☎ 972-2-581-0315

fax: 972-2-581-2890

✉ info@ohr.org.il

☎ 38 East 29th Street 8th floor, New York, NY 10016, USA

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fax: 1-905-886-6065

✉ Somayach@MSN.com

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