**The Mitzva to Dwell in a *Sukka*:**

**Contrasting the First Night and the Rest of the Festival**

**by Rav David Brofsky**

***Teshvu Ke-Ein Taduru –* How Many Meals Must One Eat in the *Sukka*?**

The Torah states, “And you shall dwell in *sukkot* for seven days” (*Vayikra* 23:42). The Rambam writes in his *Sefer Ha-Mitzvot* (positive commandment 168), “And He commanded us to dwell in the *sukka* for seven days during the Festival.” The *gemara* (*Sukka* 28b) describes the ideal fulfillment of this mitzva:

"You shall dwell" – similar to [normal] residence. From here [the Sages] said: Throughout the seven days [of the festival], the *sukka* must be regarded as one's principal abode, and the house merely a temporary residence. How so? If a person has pretty dishes, he brings them up to the *sukka*; attractive linens, he brings them up to the *sukka*; he eats, drinks, and enjoys himself in the *sukka*, and he studies in the *sukka*.

In determining the nature of the mitzva to dwell in the *sukka*, we must first distinguish between the first night and the rest of the Festival. The *gemara* (*Sukka* 27a) cites a debate between R. Eliezer and the Sages regarding how often one *must* eat in the *sukka*.

R. Eliezer says: A person is obligated to eat fourteen meals in the *sukka*, one during the day and one at night. And the Sages say: There is no defined number, except for the first night of the festival… What is R. Eliezer's reasoning? “You shall dwell” – similar to [normal] residence (*teshvu ke-ein taduru*). Just as [during] residence [in the house] – [one eats] one [meal] during the day and one at night, so too in the *sukka* – one [meal] during the day and one at night.

The *gemara* first relates that R. Eliezer maintains that the principle “*teshvu ke-ein taduru*” dictates that one must eat fourteen meals, two meals each day of the Festival, in the *sukka*. The *gemara* then cites the position of the Sages, who disagree.

And the Sages: Like residence [in the house]. Just as [during] residence [in the house] – if he wishes, he eats, and if he wishes, he does not eat, so too in the *sukka* – if he wishes, he eats, and if he wishes, he does not eat. If so, even the first night of the festival as well! R. Yochanan said in the name of R. Shimon ben Yehotzadak: It is stated here "the fifteenth," and it is stated regarding the festival of unleavened bread, "the fifteenth." Just as in that case, the first night is obligatory and from then on it is optional, so too here – the first night is obligatory and from then on it is optional. And from where do we learn the law there? The verse states: "At evening shall you eat unleavened bread" (*Shemot* 12:18) – Scripture established it as an obligation.

The Sages disagree with R. Eliezer on two points. First, they maintain that eating in a *sukka* is obligatory only on the first night of the Festival. Second, they apparently interpret the principle of *teshvu ke-ein taduru* differently than R. Eliezer.

The Sages derive that one must eat in the *sukka* on the first night through a *gezeira shavva*, a textual comparison between the first night of *Pesach*, which occurs on the fifteenth of Nissan and upon which one is obligated to eat *matza*, and the first night of *Sukkot*, which is celebrated on the fifteenth of Tishrei.

What do we learn from this comparison to the first night of Pesach? We might suggest that just as one *must* fulfill the mitzva of *matza* – that is, eating *matza* – on the first night of the seven days of *Pesach*, one similarly *must* fulfill the mitzva of *sukka* – dwelling in a *sukka* – on the first night of the seven days of *Sukkot*. Alternatively, the *gemara* may be deriving something much more specific: Just as one must fulfill a mitzva of “eating”on the first night of *Pesach*, so too one must fulfill a mitzva of “eating” on the first night of *Sukkot*. This second possibility is most intriguing. On the one hand, this obligation to eat may redefine the parameters of one’s obligation to dwell in the *sukka* on the first night, and, on the other hand, may even dictate that some of the laws that pertain to eating *matza* on the first night of *Pesach* must be observed on *Sukkot* as well. The distinction between these readings of the *gemara* has a number of halakhic ramifications.

For example, the Ran (12b, s.v. *matnitin*) questions how much bread one must eat in the *sukka* on the first night of *Sukkot*. He writes:

And regarding the first day of the festival of *Sukkot*, we also learn that one is obligated to eat an amount that obligates eating in the *sukka*. For based on the law of Yom Tov, it would suffice to eat the quantity of an egg in a haphazard manner (*arai*) outside the *sukka*. And we learn also from the festival of *Pesach* that one is obligated to eat an amount that obligates eating in the *sukka.* It seems, therefore, that one is obligated to eat more than the amount of an egg.

Generally, as we shall learn, only one who eats an amount slightly more than a *ke-beitza* (the volume of an egg) must eat in the *sukka*. The Ran suggests that the *gezeira shavva* teaches that one must fulfill the mitzva of *sukka* on the first evening. Therefore, one must eat an amount which obligates him to eat in the *sukka* -- more than a *ke-beitza*. The Ran then writes:

But there are those who say as follows: Since we learn from the festival of *Pesach*, we learn entirely from it. Just as in that case the size of an olive [is all that is necessary for fulfilling the mitzva], so too here the size of an olive [is all that is required]. And even though on the other days of the festival [of *Sukkot*] the size of an olive is regarded as haphazard [eating], and it may be eaten outside a *sukka*, nevertheless on the first night, since Scripture established it as an obligation to eat in the *sukka*, it is regarded as a regular meal.

The Ran cites those who believe that one must only eat an amount equivalent to the size of a *ke-zayit*, an olive, in the *sukka* on the first night, similar to the amount of *matza* that one must eat on *Pesach*. He implies, however, that this *gezeira shavva* may also redefine the parameters of dwelling in the *sukka* on the first night.

 Indeed, the Tur (639) explains that just as one must only eat a *ke-zayit* of bread in the *sukka* on the first night, one may not eat a *kezayit* of bread outside of the *sukka*.

Once he eats in [the *sukka*] grain in the amount of an olive, he has fulfilled his obligation, even though the measure regarding [the prohibition] of eating outside a *sukka* is the amount of an egg. The first night is different, because the obligation is greater, so that even if he wishes to eat only the amount of an olive, he is forbidden to do so outside the *sukka*. Therefore, he fulfills therewith also the obligation of *sukka*.

The Tur understands that not only is the mitzva the first night, fundamentally, a mitzva of “*akhila*” (eating), but that this itself defines eating a *ke-zayit* of bread as an *akhilat keva*, which must not be done outside of the *sukka*.

 Interestingly, the Ritva (27a), after citing the view obligating one to eat a *ke-zayit* of bread in the *sukka* on the first night, records the following:

However, I heard in the name of one of the great scholars of the generation in France, who would obligate one to sleep in the *sukka* on the first night of *Sukkot*, even in the rain… as on the first night, the Scripture established that it is obligatory, from the *gezeira shavva* equated the fifteenth [of Nissan to the] fifteenth, from *Chag Ha-Matzot*.

Clearly, this stringency implies that the Torah mandated “dwelling” in one’s *sukka* on the first night, and that the exemption of “falling rain” does not apply; this is a subject for another *shiur*.

The Shulchan Arukh (639:3) rules that one should eat a *ke-zayit* of bread in the *sukka* on the first night of *sukkot*. The Mishnah Berurah (22), however, writes that it is “proper” to eat more than a *ke-beitza*, in order to fulfill the view of those who are strict regarding this matter.

The *Rishonim* raise other questions that may relate to our issue. For example, the Rishonim discuss *what* one must eat on the first night of *Sukkot*. Tosafot (27a, s.v. *teshvu*) maintain that the Talmud Yerushalmi (2:7) questions whether one *must* eat bread or whether *minei targima* (either a cooked grain dish, or meat and fish) would suffice. Although the Shulchan Arukh rules that one must eat a *ke-zayit* of “*pat*” (bread), the *Acharonim* (see Sha’arei Teshuva 5) discuss whether one may even eat a *ke-zayit* of baked grain products upon which one usually recites the blessing “*borei minei mezonot*.” The Mishnah Berurah (21) rules that one must eat a *ke-zayit* of actual bread. Seemingly, although generally one must sit in a *sukka* while eating *minei targima* (*Sukka* 27a; Shulchan Arukh 639:2), the *poskim* debate whether one must fulfill the mitzva of dwelling in a *sukka* on the first night, for which *minei targima* would suffice, or whether they must **eat** a meal, similar to the first night of *Pesach*, which would seemingly entail eating bread.

 The *Rishonim* and *Acharonim* even discuss whether some of the laws specific to *Pesach* should apply to the first night of *Sukkot* as well. The Hagahot Asheri (Rosh 3:20), for example, cites the comments of Rabbeinu Peretz to the Semak (93), who insists that based upon the *gezeira shavva*, one should not eat until it is completely dark. Similarly, R. Yaakov ben Yehuda Weil (Germany, 15th century), cites his teacher, the Maharil, who ruled that one should eat the *ke-zayit* of bread on the first night of *Sukkot* *before* midnight, similar to the *matza*, which must be eaten before midnight on the first night of *Pesach*. The Rema cites both of these views.

In addition, the Magen Avraham (11) discusses whether one may recite the *kiddush* of the first night before dark. He first argues that theoretically, even one who accepts this stringency and rules that one must eat after dark should still sanction making *kiddush* before dark and then reciting the blessing of *leishev ba-sukka* and eating a *kezayit* of bread in the *sukka* after dark. He concludes, however, that since it is customary to recite the *she-hechiyanu* said with the *kiddush* after the blessing of *leishev ba-sukka*, apparently the *she-hechiyanu* is said upon the performance of the mitzva of *sukka*, and not just upon the building of the *sukka* and the festival itself. Therefore, one should not even recite *kiddush* until dark, when one may properly fulfill the mitzva of *sukka* the first night. Some suggest that the Taz (472:2) does not believe that *kiddush* must be recited after dark. The Bi’ur Halakha (s.v. *lo yokhal*) proposes that the Rema believes that outside of Israel, one may eat during *bein ha-shemashot* on the second night.

Similarly, R. Yosef ben Meir Teomim (1727–1792), in his commentary to the Shulchan Arukh, the Peri Megadim (Mishbetzot Zahav 643 and Eshel Avraham 539:16; see also Bikkurei Yaakov 539) writes that due to the *gezeira shavva* comparing the first night of *Sukkot* and the first night of *Pesach*, one should not eat *challot* made from fruit juice, similar to the *lechem oni* (“poor man’s bread”) eaten on Pesach. Many *Acharonim* reject this extreme application of the *gezeira shavva*.

In addition, the Yerushalmi (*Sukka* 2:7) questions whether, just as one should refrain from eating on the day before *Pesach* in order to fulfill the mitzva of *matza* when one is hungry, one should similarly not eat on the day before *Sukkot* so that one enter the festival while he is hungry. Tosafot (27a, s.v. *teshvu*) and the Rosh (3:15) cite this Yerushalmi, and the Or Zarua (301) writes that one should act accordingly. The Maharil adds that one should not eat from the sixth hour onwards on *Erev Sukkot*, similar to *Erev Pesach*. The Leket Yosher relates that his teacher, the Terumat Ha-Deshen, would not even sleep in the *sukka* on *Erev Sukkot* in order to ensure that he still desired sleeping in the *Sukka* that evening!

R. Moshe Isserlis, in his commentary to the Tur, the Darkhei Moshe, cites the Maharil, and writes, “This seems to me to be a stringency without reason.” In his comments to the Shluchan Arukh (Rema), however, he writes that one should not eat during the day before *Sukkot* from noon onwards. Some Acharonim (Magen Avraham 12; Gra; see also Shulchan Arukh Ha-Rav 20) rule that one need only refrain from eating bread from the tenth hour onwards. The Mishnah Berurah (539:27) writes that the Acharonim concur that one need only refrain from eating from the tenth hour onwards, as we learn regarding *hilkhot Pesach* (471).

 Finally, the *Rishonim* also discuss whether the exemptions from the requirement to sit in a *sukka*, such as *mitzta’er*, apply on the first night of *Sukkot* as well. The Rashba (Responsa 4:78) writes that the exemptions derived from *teshvu ke-ein taduru* apply on the first night, and in the event of rain, one is exempt from sitting in the *sukka*. The Ran (12b), however, disagrees. Apparently, as we noted previously, the Ran (and Ritva, as cited above regarding sleeping in the *sukka*) believes that although the mitzva of the first night is to dwell in the *sukka*, this mitzva is absolute and not subject to the exemptions derived from *teshvu ke-ein taduru*. We will return to this point when we discuss the exemptions of *mitzta’er* and *yardu geshamim*.

 As we discussed previously, one should not only have in mind to fulfill the mitzva of *sukka* while eating bread the first night (*mitzvot tzerikhot kavana*; see Shulchan Arukh 60:4); one should also keep in mind the reasons for the mitzva of *sukka* -- the booths the Jewish people built for themselves in the desert and the *anannei ha-kavod* (Bach 625; Magen Avraham and Mishna Berura 625).

**The Mitzva of Dwelling in the *Sukka* after the First Night**

 As mentioned above, not only do the Sages disagree as to whether one must eat fourteen meals or only one meal in the *sukka*, they also seem to understand the principle of *teshvu ke-ein taduru* differently. The Sages explain:

And the Sages: Like residence [in the house]. Just as [during] residence [in the house] – if he wishes, he eats, and if he wishes, he does not eat, so too in the *sukka* – if he wishes, he eats, and if he wishes, he does not eat… Just as there – the first night is obligatory, from then on it is optional, so too here – the first night is obligatory, from then on it is optional.

The *gemara* implies that only the first night is obligatory, and the rest of the days are “optional.”

 How are we to understand this passage, which implies that just as there is no specific mitzva or eat *matza* after the first night of Pesach, there is no inherent mitzva to enter a *sukka* during the remaining days of the festival unless one wishes to eat (an *akhilat keva*) or sleep (a *sheinat arai*)?

 Generally, we can distinguish between different *mitzvot*. There are those *mitzvot* which a person is under no obligation to fulfill, per se, unless he chooses to engage in a specific activity. For example, if one wishes to wear a four cornered garment, he must attach *tzitzit* to the corners. This type of mitzva is often referred to as a “*mitzva kiyumit*.” Alternatively, there are *mitzvot* that one must perform, in all circumstances, such as *tefillin*. This type of mitzva is often referred to as a “*mitzva chiyuvit*.” Indeed, the Minchat Chinukh (325) explains:

There are two kinds of positive precepts: One that is an obligation upon every man of Israel like *tefillin*, *etrog*, and the eating of *matza.* Such a mitzva – if a person fulfills it, he does the will of the Creator, blessed and exalted be He, because this is what the King, blessed be He, decreed. And if he neglects the mitzvaand fails to don *tefillin* or take a *lulav*, he nullifies the mitzva and acts in opposition to His will, blessed be He, and he will surely be punished. And there are *mitzvot* that one is not obligated to perform, like *tzitzit*, for the Torah did not obligate a person to wear a four-cornered garment, and if he so desires, he may go about without a four-cornered garment, and this is not against the will of the Creator, blessed be He. If, however, he brings himself to obligation, intentionally wearing a four-cornered garment in order to fulfill the mitzva of *tzitzit*, this is the good and righteous path. The rule is that if he fulfills this mitzva, he does the will of the Creator, blessed be He, but if he fails to fulfill the mitzva, he does not violate His will, but merely does not fulfill the mitzva.

Regarding the mitzva of dwelling in the *sukka*, he continues:

So too, regarding this mitzva, namely *sukka*, there are two parts to the mitzva. That is to say, on the first night of *Sukkot*, there is a positive precept to eat the measure of an olive in a *sukka*, and a person is obligated to look for a *sukka*, and it does not help that he does not want to eat, because he is obligated to eat, as with *matza* or *tefillin.* And if he fails to fulfill the positive precept on the first night, he acts against God's will, blessed be His name. But on the rest of the nights and days, if he does not want [to eat], he may abstain from eating and not sit in a *sukka*, and he is bound by no obligation, as with *tzitzit.* If, however, he eats, there is a positive precept to eat in a *sukka* and he fulfills His will, blessed be He, but if he does not eat, there is no obligation to do so.

The Minchat Chinukh clearly views the mitzva of *sukka*, after the first night, as an “optional” mitzva.

 Some take this a step further, and understand that fundamentally the mitzva of *sukka* teaches that one may not eat outside of a *sukka*, but not that there is any inherent value, per se, of sitting in the *sukka*. R. Yosef Engel (1859–1920), for example, in his Atvan De-Oraita (11), initially suggests:

Eating in the *sukka* is not pleasing and desired in itself, for were that the case, it would not be right to leave that eating to the will of the individual, so that it is optional. Perforce, then, the intention of the mitzva lies exclusively in the negation -- that when a person eats, he must not eat outside the *sukka*, and eating outside the *sukka* is what is not pleasing. But eating in the *sukka* in itself is not at all pleasing or desired.

Similarly, R. Avraham Borenstein (1838–1910), the Sochachover Rebbe, writes in his Avnei Nezer (*Orach Chaim* 481):

It follows from this that regarding a *sukka*, we can say that the *sukka* permits eating, enjoyment, and sleep… And this is the implication of our passage that likens *sukka* to *matza*, which all seven days is optional. It is explicit, then, that it is merely forbidden to eat outside the *sukka*, just as it is forbidden to eat *chametz.*

The Avnei Nezer also understands that the *sukka* merely permits a forbidden activity.

 This understanding is, of course, extremely difficult, especially in light of the verse, which states quite clearly that one should dwell is a *sukka* for seven days and the passage cited above (*Sukka* 28b), which describes how one should relate to one’s *sukka*.

Throughout the seven days [of the festival], the *sukka* must be regarded as one's principal abode, and the house merely a temporary residence. How so? If a person has pretty dishes, he brings them up to the *sukka*; attractive linens, he brings them up to the *sukka*; he eats, drinks, and enjoys himself in the *sukka*, and he studies in the *sukka*.

This passage implies that not only must one refrain from eating outside of the *sukka*, one should eat, drink, enjoy one’s self, and study Torah in the *sukka*. R. Akiva Eiger (*Sukka* 25a) also rejects this approach, and explains that one who eats outside of the *sukka* does not violate a commandment, but rather, doesn’t fulfill the *mitzvat aseh* of dwelling in a *sukka*.

Therefore, we might formulate our understanding of the mitzva differently: Whenever one enters a *sukka*, one fulfills the Biblical commandment of “And you shall sit in *sukkot*.” Furthermore, activities which imply permanence, such as eating meals and sleeping, which are generally done within one’s home, must be done in the *sukka*, and one who does not eat a meal or sleep in a *sukka* does not fulfill the positive commandment of dwelling in the *sukka*. However, *teshvu ke-ein taduru* dictates that just as activities that one normally does inside of a house, must be done inside a *sukka*, so too activities normally performed outside of one’s house may be done outside of the *sukka*.

 Some suggest an even more ambitious approach. R. Alexander Susskind of Grodno (d. 1793), for example, in his Sefer Yesod Ve-Shoresh Ha-Avoda (*Sha’ar Ha-Itun*, chapter 12) writes:

“And you shell dwell in *sukkot* for seven days” – like your residence. He commanded us, the holy nation, with a positive commandment that every man should eat and drink and enjoy in the *sukka –* and all of these activities one is obligated, through a positive commandment from the Torah, to do in the *sukka*, and not in the house within which he lives throughout the year… Therefore, one is obligated to be careful not to leave the *sukka* for one’s house at all, unless it is truly necessary, for example, if he needs to leave to his house in order to bring a drink… In that case, he should not stay in the house longer than necessary…

Similarly, R. Engel, cited above, rejects his initial assumption, and concludes:

The position itself of the aforementioned Minchat Chinukh, who writes that *sukka* is exclusively a negative mitzva – it seems, in my humble opinion, that this is not true. Rather, *sukka* is a positive and independent mitzva, for the Torah wants us to live for seven days in a *sukka*, just as we live all year long in the house. As they said: "You shall dwell" – similar to [normal] residence. The fact that if a person wishes, he does not have to eat or sit in a *sukka*, that is because that is the essence of residence; occasionally, a person goes out or to the market, and only when he wishes to eat, drink, or sleep does he eat, drink and sleep exclusively in his house. This is the idea of residence in his house, and thus the Torah wanted us to live for seven days in a *sukka*. Thus, when the Torah demands residence in a *sukka*, it is asking for a desired and positive thing.

R. Engel insists that the positive commandment of dwelling in the *sukka* entails transforming one’s *sukka* into one’s home, and living there for the duration of the festival. However, unlike drinking, studying, and other activities, eating and sleeping are such demonstrative expressions of dwelling that these specific activities are actually prohibited to perform outside of the *sukka*.

 These different understandings of the mitzva of dwelling in the *sukka* may influence how we understand the following passage (26b–27a):

But if he wishes to be strict with himself, he may do so, and it does not constitute presumption (*yuhara*), and so it also happened that they brought cooked food to R. Yochanan b. Zakkai to taste, and two dates and a pail of water to R. Gamliel, and they said, “Bring them up to the *sukka,*” but when they gave to R. Tzadok food less than the bulk of an egg, he took it in a towel, ate it outside the *sukka*, and did not say the benediction after it.

The Rambam (6:6) cites this *halakha*:

It is permissible to drink water and eat fruit outside the *sukka*. However, a person who follows the stringency of not drinking even water outside the *sukka* **is worthy of praise**.

This *gemara* teaches that eating an *akhilat arai* in the *sukka* is not to be considered an act of *yuhara*. Based upon the approaches suggested above, we may understand this passage in different ways. One might view eating a snack in the *sukka*, regarding which one is technically exempt, as a fulfillment of a mitzva (mitzva *kiyumut*), and therefore it is not considered to be an unnecessary or presumptuous stringency. However, one might also view eating a snack in a *sukka* as a fulfillment of one's overall obligation to transform the *sukka* into one’s permanent residence; therefore, one is encouraged, if not obligated, to eat all foods in the *sukka* whenever possible.