

**The Society for the Preservation and Re-enactment of Great Rabbinic Debates Presents:
The Sukkah: When Are You Required to Build It? - A Great Hillel and Shammai Debate
Rabbi Eliot Malomet First Day of Sukkot Saturday, September 30, 2023 15 Tishrei 5784**

Welcome to A Great Rabbinic Debate! Today's topic: The Sukkah: When Are You Required to Build It? You can find the source for this debate on the middle of this sheet. It's from the Mishnah, Tractate Sukkah, 1:1. Let's bring out our debaters, Hillel and Shammai. Let's start with Hillel:

Hillel: It's great to be here. Shammai, it's great to see you again. I'd like to start this debate with a gracious gesture.

S: You're always the gracious one. Always the mensch! But before he begins, let me also offer my appreciation for the Society for the Preservation and Re-Enactment of Great Rabbinic Debates and say how wonderful it is to be here as well.

H: So here's how I'd like to start this debate. Shammai, would you and Mrs. Shammai like to have lunch in our Sukkah on the First Day of Sukkot?

S: We'd be honored. Thank you so much!

H: Perfect.

S: Any occasion?

H: Not in particular. Although I have a daughter who is 12 and you have a son who is 13 and I think, for the sake of the unity of the Jewish people it would be a good thing if my daughter married your son. So, we can talk about that later. But really, you know what I like to say.

S: What is that?

H: If my sukkah is not for myself, will it ever be for me? And if my sukkah is only for myself, what is it anyway? And if not now, when in the name of the High Priest, are you ever going to come over?

S: That's my buddy Hillel. Always getting the quotes in!

H: Well, I know you enjoy my sayings. For the record, I like your sayings too. You do have some of your own nice sayings, don't you? Little quotable pieces of wisdom?

S: Of course I do. But I'm not as big a talker as you are. Here's my saying: Make your study of the Torah a fixed practice; speak little, but do much; and receive all people with a pleasant countenance.

H: It's funny, but people don't really think of you as having a pleasant countenance. They think of you as rather stern.

S: Well, look my good friend, I'm not really concerned about what people think of me. You know, we've had a lot of debates and people generally tend to follow you. That's because everybody thinks you're a nice guy, and in truth, they like the lenient opinions that appeal to their emotions. I on the other hand, tend to be more logical. And, as my

proverb says, I tend not to talk a lot and make chit chat with people. You, on the other hand, you're a big shmoozer! You are always chatting it up with people. You're the guy that everyone wants to have lunch with.

H: Well, what can I say? What is hateful to you do not do onto your neighbor, that is the Torah the rest is commentary.

S: Yeah, so *they* say. Look, I'm nice too, I do go around with a pleasant countenance. I do greet people. But of the two of us, you're the more personable one. I admit that. I like to keep to myself. Like I said, speak little and do a lot. And speaking of lunch on the first day of Sukkot, let's get back to that, because that is the subject of our debate. Mrs. Shammai and I would love to join you. But before I confirm Hillel, I'd just like to ask you a tiny question, and please don't take this the wrong way, I don't mean to insult you or in any way question your integrity. But exactly *when* did you build your sukkah?

H: Why do you ask?

S: Because I'd like to know if it is a proper sukkah. If you built it within the month of the holiday, that is 30 days or less ago, then we'd be happy to join you for lunch. But if you built it more than 30 days ago, I'm afraid I'm sorry, and we'll take a rain check. You know how strict I am about these things.

H: Well, I totally understand, and I'm not insulted by the question, in the least...although I should be. I know you well enough to know that you are very sincere. I would never insist that you violate your own principles just for the sake of lunch. But, full disclosure: at my house I have a little outdoor hut that I like to use during the summer months. For shade. I did put it up back in Sivan, which is more than 30 days ago, but, and this is really important, I did expressly **intend** for it to be used on Sukkot.

S: Well can you prove that?

H: As a matter of fact, I can. In anticipating that this might cause some difficulties for our more punctilious brethren, namely, you Shammai, I made sure that I had two witnesses watching me put up my structure with my schach. I expressly declared to them that I was making this sukkah for the sake of the holiday.

S: Do you remember exactly what you said to them?

H: Yes I do. I said, "I declare before you my intention to fulfill the mitzvah of sukkot with this structure. Because I have a very strict friend, Shammai, who is going to insist that any sukkah used for the holiday was intended for that purpose! But I'm building it now because it's really hot and I'm going to enjoy the shade now!" And my witnesses will be able to vouch for me that I said that. But in my opinion,

סִכָּה יְשָׁנָה, בֵּית שְׁמַאי פּוֹסְלִין,
וּבֵּית הִלֵּל מְכַשְׁרִין.
וְאִיזוֹ הִיא סִכָּה יְשָׁנָה,
כָּל שֶׁעָשָׂאָה קִדְּם לְהַג שְׁלֹשִׁים יוֹם.
אֲבָל אִם עָשָׂאָה לְשֵׁם חֵג,
אֶפְלוּ מִתְחִלַּת הַשָּׁנָה, כְּשֶׁרָה:
An old sukka, Beit Shammai deems it unfit and Beit Hillel deems it fit. And what is deemed an old sukka? Any sukkah that one made thirty days before the Festival. However, if one made it for the sake of the Festival, even from the beginning of the year, it is fit.

this goes a little too far. After all, a sukkah is a sukkah is a sukkah. There's really no difference, technically, between a sukkah that is built for ordinary shade or shelter, or a sukkah that is built for the holiday. I mean, say you were on a trip during the holiday of Sukkot...

S: We're supposed to be in Jerusalem for the holiday, Hillel. It is a pilgrimage festival after all. It's our obligation.

H: Well, say you were in Jerusalem, at the Temple, feasting, drinking, having a great time with your family and friends, and then you get word that your very sick uncle, who couldn't travel to Jerusalem for the pilgrimage, was back in Tiberias, and that he had taken a turn for the worse and was about to die, and he had no relatives other than you, and you wanted to see him one last time, so you left the pilgrimage in Jerusalem, and on the way back north you see a sukkah in a field and you need a brief rest and a quick meal. Would you rule that you would not be able to fulfil the mitzvah of sukkot and eat in it?

S: You're just going to barge into someone else's sukkah?

H: This is the Middle East, people are hospitable here. Hopefully there would be someone there to ask. But regardless. It gets very hot on the road up to Tiberias. People put the sukkot up for the express intention of helping wayfarers. Say I met the owner and asked him when he put up his sukkah, and he said it was over 30 days ago. I would definitely eat in it. But my question to you is, would you?

S: The answer is no.

H: Really?

S: First of all, I wouldn't put myself in that kind of situation. I'd travel with my own sukkah. There's such a thing as a Sukkah-on-a-Camel, you know. Check it out. They do exist. Of course, you're not allowed to climb on the camel on the holiday, but you are certainly allowed on the intermediate days. So, I would make sure that I made this structure before the holiday, and have it on the camel, so that I can travel even for pleasure, let alone emergencies like the one you are describing, God forbid. My point is, dear Hillel, that there is something called **Intentionality**. By that I mean, when you do a mitzvah, you have to have the **intention** for doing it. You just can't fulfil the mitzvah of dwelling in a sukkah for without having built it with the **intention** of dwelling in it for the holiday. The law is the law. You just can't just pop into any old sukkah off the highway and make a blessing and say that you have fulfilled the mitzvah.

H: Sure you can, as long as the sukkah meets the minimum requirements.

S: Well you see, Hillel, this is where we disagree. A sukkah has to be built with **intentionality** for fulfilling the mitzvah. And therefore, if it were up to me, sorry, any sukkah on the side of the road is not going to do it. **Intention** is the key. I'll be traveling with my Sukkah-on-a-Camel.

H: Of course you would. But not everyone is that creative or wealthy as you are, and not everyone has that capability or the forethought. But, my dear friend, that's what makes you Shammai. I have to give you credit. But, why do you need to be so extreme here?

S: Because, dear Hillel, unlike you I guess, I believe that this holiday matters. I know you are famous for your Passover Sandwich Invention, and way to go, you're in the Haggadah, mazel tov! But Sukkot is, in biblical terms, הַחֲגֻגָה-**THE** holiday. And because it is הַחֲגֻגָה-**THE** holiday, we have to take it, and the preparations for it, very seriously. And on top of that, what I'm saying about building a sukkah with intentionality simply follows from the Torah itself.

H: Explain that to me.

S: In Deuteronomy 16:13, it says: חַג הַסֻּכּוֹת תַּעֲשֶׂה לָּךְ שִׁבְעַת יָמִים- *The festival of Sukkot you are to make for yourself, seven days.* The key is חַג הַסֻּכּוֹת תַּעֲשֶׂה לָּךְ-*You are to make sukkot for yourself* so that you can celebrate the festival, that means that you have to construct sukkot **FOR THE SAKE OF OBSERVING THE FESTIVAL**. You can't just use any old sukkah and fulfil the mitzvah, and you can't just put up a sukkah during the intermediate days. You have to prepare the sukkah for the holiday prior to the holiday. **WITH THE PROPER INTENTIONALITY.**

H: Well, this is where you and I differ. Of course I believe that the Torah is telling us to put up sukkot. But the key is **not** חַג הַסֻּכּוֹת תַּעֲשֶׂה לָּךְ - make the *sukkot* for yourself, but **חַג** חַג הַסֻּכּוֹת תַּעֲשֶׂה לָּךְ - make the *holiday* of Sukkot for yourself. Which means that (Aleph) you can dwell in any sukkah provided it meets the requirements, and that (Beit) you can build a sukkah on the intermediate days of Sukkot and fulfill the mitzvah.

S: I appreciate your passion on this issue, my friend. But as usual, you are focussing on the whims of the individual and I am focussing on the integrity of the Torah. It's like that time when the person came to me asking that I teach him the entire Torah standing on one foot. **AL REGEL AHAT.**

H: Or on one **REGUL-ATION**. One basic rule.

S: Indeed. I had no patience for that, so I pushed him away. And I seem to have gotten a bad reputation because of that. But people misunderstand me. I was simply being vigilant for the integrity of the Torah. Torah was meant to be taken seriously, and not meant to be a slogan. And here, I'm taking it seriously. It says you should make the sukkot for the holiday. And so how do we implement that? We give a person 30 days. And if they made it within 30 days of Sukkot, we make the presumption that they made it for the holiday. But if they make it more than 30 days before the holiday, we can't just make that presumption.

H: And of course I agree with you about the integrity of the Torah. But the individual matters too. In this instance, I'm willing to go along with you, but I'd stretch the time frame back a whole year, because let's face it, we're also dealing with individuals here. And with individuals, one needs to be flexible and understanding sometimes, and not rigid. Which is why I have my reputation and you have yours.

S: We are both important voices in the eternal conversation. And in the end, it's true: we care deeply about each other.

H: Very true, my dear friend. Very true!

S: So Hillel, tell me about your daughter and I'll tell you about my son. For the sake of Jewish unity! Interested?