

The Requirement to Sleep in the Sukkah

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We are commanded during the week of Sukkot to dwell in the Sukkah just as we dwell in our homes during the course of the year.

You shall dwell in booths [sukkot] seven days; all that are home-born in Israel shall dwell in booths.

Vayikra 23:42

בסכת תשבו שבעת ימים כל האזרח בישראל ישבו בסכת.

ויקרא פרק כג: מב

"You shall dwell" similar to your living-dwelling. Hence, all seven days one should make the Sukkah a permanent dwelling and the home a temporary one. How is this done? If one has nice utensils... nice bedding, they should be brought to the Sukkah. One should eat, drink, walk around, and learn in the Sukkah.

Sukkah 28b

תשבו כעין תדורו. מכאן אמרו: כל שבעת הימים עושה אדם סוכתו קבע וביתו עראי. כיצד? היו לו כלים נאים - מעלן לסוכה, מצעות נאות - מעלן לסוכה, אוכל ושותה ומטייל בסוכה, ומשנן בסוכה.

סוכה כח:

Included in this requirement to dwell in the Sukkah as if it were our year-round home are the acts of eating and sleeping. Just as all year one eats and sleeps in one's house, during Sukkot these activities must take place in the Sukkah.

Sleeping in the Sukkah has a dimension of stringency that even eating does not have:

One can eat a snack (achilat arai) outside the Sukkah, but not take a quick nap outside the Sukkah. Why is this? Rav Ashi says: because one may fall into a deep sleep.

Sukkah 26a

אוכלין אכילת עראי חוץ לסוכה, ואין ישנים שינת עראי חוץ לסוכה. מאי טעמא? אמר רב אשי: גזרה שמא ירדם.

סוכה כו.

Chazal distinguish between *achilat kevah*, a significant meal, in contrast to *achilat arai*, an insignificant snack. Only *achilat kevah* must absolutely be performed in the Sukkah. Concerning sleep, there is no distinction between *kevah* and *arai*. One is obligated to sleep in the Sukkah regardless of the length of the sleep.

Nevertheless, there are many people who do not sleep in the Sukkah. Let us carefully analyze the obligation to sleep in the Sukkah in order to understand why so many people do not fulfill what appears to be an absolute requirement:

Regarding the contemporary leniency regarding sleep, i.e. that people do not sleep in the Sukkah except those that are careful about mitzvot:

- Some say it is because of the extreme cold, since it is uncomfortable to sleep in cold places.
- I say it is because the mitzvah is for a man to sleep together with his wife the way he does the rest of the year, and in a situation where that is not possible, since they do not have a private Sukkah, he is exempt.

Rama OC 639:2

ומה שנוהגין להקל עכשיו בשינה, שאין ישנים בסוכה רק המדקדקין במצות:

- י"א משום צנה, דיש צער לישן במקומות הקרים (מרדכי פ' הישן).
- ולי נראה משום דמצות סוכה איש וביתו, איש ואשתו כדרך שהוא דר כל השנה, ובמקום שלא יוכל לישן עם אשתו, שאין לו סוכה מיוחדת, פטור.

רמ"א אורח חיים תרל"ט:ב

The Rama suggests that a married man is only obligated to sleep in the Sukkah if it is feasible for his wife to join him. Historically, it was not practical for men and their wives to sleep in sukkot because Sukkot were built in public areas and hence generated *tzniut* concerns; therefore, many married men did not sleep in the Sukkah. The Rama bases his suggestion that married men must only sleep in the Sukkah if their wives can join them on the phrase "*teshvu k'ein taduru*," that Sukkah-dwelling should be the same as year-round dwelling. A married man who always sleeps in the same room as his wife is not obligated to sleep alone in the Sukkah. Although the Rama was referring to a specific situation in which it wasn't practical for a woman to sleep in the Sukkah for reasons of modesty, presumably the reasoning of the Rama would apply if there are other reasons one's wife will not join him in the Sukkah.

The Vilna Gaon and the Magen Avraham, (ibid.) however, question the Rama's assumption that the halachic principle of *teshvu k'ein taduru* exempts one who cannot fulfill *yeshiva b'Sukkah* with his wife. They claim that this innovative application of *teshvu k'ein taduru* has no source in Chazal.

Although the Magen Avraham disagrees with the reasoning of the Rama, he concedes that sometime a married man may be exempt based on another consideration. A *mitztaer*, one who is uncomfortable, is exempt from the mitzvah of Sukkah. Tosafot (Sukkah 26a s.v. *holchei*) explain that the exemption of *mitztaer* is derived from *teshvu k'ein taduru*, since during the year one does not live in a place where one is uncomfortable. For married men, sleeping alone is uncomfortable, and hence married men are exempt from sleeping in the Sukkah because they are *mitztaer*. In contrast to the reasoning of the Rama, which would exempt a married man at all times, the suggestion of the Magen Avraham would only apply when one's wife is *muteret*, and the issue of *mitztaer* is relevant.

The Rama suggests a second reason to exempt one from sleeping in the Sukkah. If one lives in a cold climate, one will be *mitztaer*, physically uncomfortable, sleeping outside.

This leniency could potentially cause another problem concerning the fulfillment of the mitzvah of Sukkah.

- If one made [the Sukkah] in a place that one would be uncomfortable to eat, drink or sleep;
- or where he cannot perform one of the above acts because

- ואם עשה מתחלה במקום שמצטער באכילה או בשתייה או בשינה,
- או שא"א לו לעשות אחד מהם

*of the fear of robbers,
one does not fulfill [the mitzvah] with that Sukkah at all,
even with those actions that are not uncomfortable, because it
is not similar to living-dwelling [in a house] where one can
perform all his needs.*

Rama O”C 660:4

בסוכה מחמת דמתיירא מלסטים או
גנבים כשהוא בסוכה,
אינו יוצא באותה סוכה כלל, אפי'
בדברים שלא מצטער בהם, דלא הויא
כעין דירה שיוכל לעשות שם כל צרכיו
(מרדכי פרק הישן).

רמ"א אורח חיים תרמ:ד

Only a Sukkah which is fit for all aspects of living can qualify as a place of living. If the Sukkah is not fit for one aspect of living, halacha disqualifies it. Thus, if the Sukkah is too cold to sleep in, and hence is disqualified, how can one fulfill the mitzvah of eating in such a Sukkah?

The Mishna Brurah quotes two reasons to distinguish between a Sukkah that is too cold to comfortably sleep in and a Sukkah that is too dangerous to sleep in.

*In the cold places, one fulfills his obligation with eating even
though he is unable to sleep there:*

- *since it is impossible [to sleep warmly] anyhow;*
- *and also since [a Sukkah in a cold place] is considered
fit for sleeping if one has sufficient blankets and sheets.*

Mishna Brurah 640:18

במקומות הקרים יוצא ידי חובתו באכילה
אף על גב דלא יוכל לישן שם:

- דאי אפשר בענין אחר וממילא מקרי
שם כעין תדור;
- וגם מקרי ראוי לשינה אם היה לו כרים
וכסתות כראוי.

משנה ברורה או"ח תרמ:יח

A Sukkah that is specifically built in an area that is dangerous but an option existed to build it in a safe location cannot be considered a place of dwelling. Nobody would build a house in a way that it cannot be slept in if an alternative exists. A Sukkah in a cold climate is still considered fit for living (at least concerning eating) since *any* Sukkah built in such a climate will be unfit for sleeping. If one has no other option, one would construct a home in a way that enables him at least to eat in comfort.

Moreover, a Sukkah that is too dangerous to sleep in cannot be rectified. In contrast, a Sukkah that is too cold could theoretically be made comfortable if one had sufficient blankets. Because the discomfort due to cold can be rectified, the Sukkah itself is still considered a place of dwelling. The person is exempt from sleeping in such a Sukkah because of his discomfort, yet he still can fulfill the mitzvah of eating in such a Sukkah. In contrast, a Sukkah that is too dangerous is no longer considered a place fit for living and as such is disqualified entirely for use as a Sukkah.

One must assess in each situation whether the two exemptions of the Rama apply. If it is not uncomfortable because of cold, and one's wife can join him in the Sukkah, and safety is not a concern, according to all opinions one would be obligated to sleep in the Sukkah. Similarly, if one wants to take a nap during the day, these reasons often don't apply. The dissimilarity to living-dwelling and the discomfort of sleeping alone presumably don't apply during the day. The issues of cold and safety have to be evaluated in each case.

Many of the halachot of Sukkah revolve around the halacha of *teshvu k'ein taduru*. The correct application of this principle will determine practically how we may and must perform the mitzvah of *yeshiva b'Sukkah*