A History of Sukkot in the Second Temple and Rabbinic Periods

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I. The Endurance of the Lulav and the Sukka

The destruction of the second temple presented the tannaim with the question of how to celebrate Sukkot, a temple festival, without a temple. Sacrifices, libations, SBH and the willow procession were cultic rites that depended on the temple context. Tannaitic theology forbade offering sacrifices and performing the associated rituals except at the Jerusalem temple. Given the mythic-cultic background that grounded the temple rituals, this policy was all but inevitable. What, then, would become of Sukkot?

The first three chapters of Mishna Tractate Sukka provide a wealth of legislation concerning the sukkah and the lulav. Rabbinic Judaism celebrated Sukkot with these two rituals together with the liturgy and worship of the Beit Midrash and synagogue. Why did these rituals survive?

Dwelling in sukkot was not inherently connected to the cult. Ritual use of the sukkah probably originated from the shelters built in fields for protection against the elements, and some undoubtedly continued local celebrations even after centralization of the cult. Even if the custom originated from the temporary booths occupied by pilgrims while attending autumnal festivals at central sanctuaries, and even if during the second temple period the majority of people performed the ritual near the Jerusalem temple, the dwelling itself was not a cultic rite. The ritual involved no priest, no altar and no sacrifice. Moreover scripture explains the booths as a commemoration of the sukkot God provided for the Israelites during the exodus from Egypt, a symbolism that divorces the ritual from the temple context. To dwell in a sukkah anywhere at all ritually commemorates the exodus. Therefore the destruction of the
temple did not affect the ritual logic of the sukkka. Dwelling in booths naturally became a cornerstone of the tannaitic Sukkot festival.

That the lulav would survive the destruction of the temple was less assured. Ritual, exegetical and historical considerations might have limited the practice to the temple. Unlike the sukkka, the lulav ritual took place in the context of cultic worship. A fertility symbol and rain charm, the festal bouquet served a function similar to that of libations and the circumambulations of the altar, and was related to the power of the temple as the ultimate source of fertility. After the destruction the lulav might have shared the fate of these rituals, and for the same reason: the absence of the mythic-cultic structure rendered the rituals religiously unintelligible. Scriptural exegesis could have supported this conclusion easily. The scriptural source directs that the rejoicing take place “before the Lord” (Lev 23:40), a phrase that probably refers to the temple, or at least to local sanctuaries. We noted that Josephus reflects this understanding in his biblical paraphrase by detaching his account of the lulav from that of the sukkka, deferring the lulav to future celebrations in Jerusalem. ¹ Josephus interpreted the Bible to ordain the lulav specifically for festivities at the temple. Straightforward exegesis of the biblical text leads to the conclusion that the ritual not be practiced without a temple or cult center.

Historically, it seems likely that the lulav was practiced almost exclusively at the temple. The rejoicing with flora in 2 Macc 10:5-8 occurred at the temple and celebrated its purification. The Gospel scenes of worshippers bearing palms occur when Jesus approaches the temple. ² The sole narrative passage in which Josephus mentions the lulav – the account of the pelting of Jannaeus – takes place at the temple. ³ Only the Jubilees reference is ambiguous. Abraham takes palm branches and fruit to circumambulate the altar. Yet all Israelites are commanded to take leafy boughs and willows. It is unclear what they do with the flora, although there seems to be no specific link to the temple. ⁴ Rabbinic traditions themselves testify to the temple as the primary context for the lulav:

[A] At first the lulav was taken for seven days at the temple, and one day in the country.

¹AJ 3:244-47. See Chapter 2, VIII.
²In John 12:13 the people emerge from Jerusalem to greet Jesus. In Mark 11:11 the people greet him near the Mount of Olives, as he approaches Jerusalem. They were presumably carrying their palms to the temple. Cf. Chapter 2, IX.
⁴See Chapter 2, III n. 52 and text thereto.
After the temple was destroyed R. Yohanan b. Zakkai ordained that the lulav be taken in the country for seven days, in memory of the temple.

(mSuk 3:12)\(^5\)

The Mishna claims that during temple times the lulav was practiced for but one day in the "country" (medina), the area beyond the temple. The single-day practice is difficult to reconcile with the biblical passage which commands a seven-day observance.\(^6\) In all likelihood, this practice represents a secondary development: the lulav ritual of the temple gradually attained a measure of popularization and spread throughout the country to a limited extent. After the destruction the tannaim resolved to perform the ritual for seven days in all places. Yet they realized that the week-long practice depended on the temple rite, that they performed the ritual throughout the week not because the Torah commanded it, but as a memory of the temple practice.

Gedaliah Allon proposed that originally the lulav was limited to the temple.\(^7\) He adduced the passages from Josephus and Maccabees as evidence, but based his claim primarily on the fact that Philo omits mention of the species in his rehearsal of the laws of Sukkot. Dwelling in sukkot is the only ritual Philo relates. Allon concluded that the lulav was hardly practiced outside of the temple at this time, so Philo had no need to mention it. According to Allon, during the "last days" of the temple they began to observe the lulav throughout the country as "a type of reminder of the temple," the very motivation given by the Mishna for the post-destruction practice. I think that Allon's thesis is essentially correct, although the *argumentum ex silentio* from Philo is inconclusive, and far less compelling than the Josephan evidence.\(^8\) Except for the obscure

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\(^5\)Parallels in mRH 4:3; *Sifra 'Emor* 16:9 (102d).

\(^6\)However, there is an exegetical linchpin for distinguishing the first day. Lev 23:40 reads "You shall take on the first day beautiful fruit...and you shall rejoice before the Lord seven days." To the sensitive scribal ear, the phrase "the first day" is superfluous (obviously if one rejoices for seven days he must take the species already on the first). According to the halakhic midrash related to the Mishna, "the first day" teaches that the ritual be performed everywhere on that day, while "seven days" refers to the temple practice. It seems most likely that the popularization of the practice engendered the exegesis, that the halakhic midrash was formulated to justify the practice (or to support the Mishna that prescribes the practice.) For other midrashim that address "the first day," see *Sifra 'Emor* 16:3 (102d); bSuk 43a; y3:13, 54a; VR 30:7 (704); MG 3:586 to Lev 23:40.


\(^8\)Epstein, *Tannaim*, 349 claims that Philo omitted mention of the lulav because it resembled Bacchanalian rites. He points out that Jason of Cyrene, author of 2 Maccabees, knew about the lulav, so the diaspora was well aware of the custom. Albeck, *Mishna*, 2:254-55, n. 6 points out that Philo both omits mention of other
description of Jubilees, all sources set the lulav in the context of temple celebrations. The Mishna’s view of the past basically concurs. The strong association between the lulav and the Hallel Psalms, the central component of the temple festival liturgy, bolsters this conclusion. I would add to Allon’s reconstruction that we must take into account the fact that Sukkot was the main pilgrimage festival, and, at least during the last years of the temple, pilgrimages were almost universally attended. Most celebrating took place at the temple simply because the population congregated there, especially those who took the festal obligations seriously.

It is even possible that the Mishna exaggerates the extent of the pre-destruction practice outside of the temple. The lulav may have been practiced exclusively at the temple and only spread to the “country” when the destruction made it impossible to perform the ritual at the temple. However, the gradual popularization of cultic piety characterizes movements at the end of the second temple period. The Pharisees, for example, adopted elements of priestly and temple practices to their private observance. Pharisees transferred purity laws from the temple cult to everyday life, eating their food only in the state of purity required of priests. They sought to participate vicariously in temple worship through the ma’amadot, “courses” of Israelites parallel to the Priestly and Levitical divisions. According to tannaitic sources the Israelite ma’amadot, like the priests serving in the temple, fasted and were forbidden to cut their hair or wash their clothes (mTa 2:7; 4:2). Those unable to go to Jerusalem congregated in their localities to read the story of creation. One mishnaic tradition implies that the ma’amadot recited extra-temple commandments and mentions certain commandments limited to the temple. Allon was aware of this objection and made an unsatisfactory attempt to answer it. In the last sentence of his article he notes that although Philo mentioned the sounding of the shofar on the New Year, he did so only because this was an “independent commandment” (משחת), unlike the lulav which was but one element of the Sukkot ritual.

9Philo, *Special Laws*, 1:69: “Countless multitudes from countless cities come, some over land, others over sea, from east and west and north and south at every feast.” Josephus, *BJ* 2:515 relates that when Cestius arrived in Lydda (Lod) he “found the city deserted, for the whole population had gone up to Jerusalem for the festival of Sukkot.” See also *BJ* 1:253; *AJ* 17:214; 17:254; 20:106. And see Safrai, ‘Aliya.


The Tannaitic Period: Legal and Ritual Developments

Hallel, so it is plausible that on Sukkot they took the lulav in imitation of the temple liturgy. Tannaitic traditions concerning the *ma'amadot* may not be completely reliable, but they are evidence enough to show that some Jews began to adopt and imitate elements of the temple worship. In this way, the Pharisees and other such groups probably started to take the lulav, at least for the first day, independent of the temple. For the bulk of the population, however, the lulav remained a temple ritual.

Given these historical, ritual and exegetical factors, how are we to explain the endurance of the lulav in tannaitic times? First, although the lulav took place in the temple, it had a much looser connection to the cult than libations or the willow ritual. Josephus portrays the lulav as an accouterment to the sacrifices, a prop held in the hand while priests perform the cultic rituals. Libations were poured on the altar, the willows carried around the altar and set about it, but the lulav had no such intrinsic connection to other cultic artifacts. The lulav functioned primarily through its symbolism. Fertility symbols could survive the destruction of the altar and temple where cultic rituals could not. To pour a libation without an altar made no ritual sense, but to take a lulav continued to symbolize renewed fecundity. Only a slight reinterpretation of the ritual would be required as tannaitic conceptions of the process of rejuvenation shifted away from the mythic view of the temple.

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12mTa 4:4. The Mishna reads, "Every day on which Hallel is recited, there is no *md amad* at the morning service." (Here *md amad* refers not to the assembly but to the reading of scripture.) Commentators disagree as to whether the Mishna pertains exclusively to the Israelite assemblies at the temple in Jerusalem (Rashi, Bertinuro, Malter, *Ta' anit*, 400, n. 78) or even to those in the outlying areas (Ritba, Rashash.)


14There are no demonstrably early traditions concerning the *mishmerot* and *ma'amadot*, which raises the possibility that the tannaitic traditions embellished the historical truth. But the Qumran sect also knows of 26 *mishmerot* of priests, Levites and Israelites (1QM 2:2-4), so there seems to be some historical basis to the conception.

15To put this argument in other words: the overall rabbinic policy to discontinue sacrificial worship was decisive. Like all offerings brought directly to the altar, libations and the willow ritual were considered part of the sacrificial cult. The lulav, on the other hand, was not an offering of any sort. I am not claiming cultic rituals did not function symbolically as well, or that the symbolism of the lulav was unrelated to the cult.

16Theoretically, of course, the tannaim could have reinterpreted the libations in a way that no longer depended on the temple context and continued to practice the
Second, the lulav was closely linked with the Hallel, shaken at the recitation of various verses. Since the tannaim incorporated the Hallel into the rabbinic liturgy, the lulav may have entered tannaitic piety by virtue of this connection.\textsuperscript{17}

Third and most importantly, the fact that the Torah explicitly prescribed the lulav gave the ritual special significance. No scriptural passage explicitly commanded the performance of libations, SBH, the willow and other such rites. While some tannaim eventually grounded these practices in exegeses of biblical verses,\textsuperscript{18} and others may have considered them part of the “Oral Torah,”\textsuperscript{19} the rituals would not make the same impression as an explicit commandment. Reflecting the lesser status, later amoraim consider the willow ritual a “custom of the prophets,”\textsuperscript{20} and SBH an “additional” expression of joy.\textsuperscript{21} But I focus here less on theoretical legal categorizations of the rituals than the direct impact of scriptural prescriptions. As we have seen, the tannaim interpreted the Torah to mandate the seven-day observance of the lulav only in the temple, yet decided to adopt this practice throughout the country after the destruction. They did so, I believe, because they wished to fulfill as much as possible scriptural dictates of festival observance. The question whether the ritual would be considered a “rabbinic enactment” (\textit{derabanan}) or more authoritative was secondary. That

\textsuperscript{17}Note \text{Sukkot} 3:18: “R. Akiba said, The Torah said...bring a water libation on Sukkot.”

\textsuperscript{18}Note \text{Sukkot} 51a.

\textsuperscript{19}Note \text{Sukkot} 51a.

\textsuperscript{20}Note \text{Sukkot} 51a.

\textsuperscript{21}Note \text{Sukkot} 51a.
scripture explicitly prescribed the lulav influenced the tannaim to incorporate the ritual into emergent rabbinic Judaism.

Let us glance at a parallel case that exemplifies this phenomenon. The commandment to eat bitter herbs on Pesaḥ occurs in Exod 12:8 and Num 9:11. In both cases the context relates to the Pesaḥ sacrifice; “they shall eat it (the sacrifice) roasted over fire, with unleavened bread and bitter herbs” (Exod 12:8). Clearly the bitter herbs merely accompany the sacrificial meat. Scripture imposes no independent commandment to eat the herbs; if the Pesaḥ sacrifice is not carried out, the bitter herbs need not be consumed. This indeed was the conclusion of the amoraim. Yet rabbinic piety transformed the bitter herbs into an essential component of the Pesaḥ seder, and formulated a blessing asserting that the eating fulfills a divine commandment. Again, to focus on this incongruity or the precise categorization on the obligation to eat the herbs as rabbinic or Toraitic misses the essential point. That scripture prescribed the herbs as a festival practice influenced the rabbis to preserve the ritual even after the destruction precluded the Pesaḥ offering. So too the scriptural designation of the lulav as a Sukkot ritual was largely responsible for its persistence in post-destruction times.

We thus see a gradual popularization of the lulav ritual, which was originally associated exclusively with temple celebrations. Pharisees and others who sought to incorporate temple practices into their own personal piety probably conducted a partial observance of the ritual even outside of the temple. After the destruction, R. Yohanan b. Zakkai and his followers “ordained” that the lulav be taken on each of the seven days. This cannot really be called a “democratization” of ritual, since

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22 Rava in bPes 120a; cf. Ramban to Exod 12:8.
23 mSuk 4:4 offers a possible course of development. The Mishna claims that in temple times, when the first day of Sukkot occurred on the Sabbath, the people brought their lulavs to the temple beforehand (since they could not carry them to the temple on the Sabbath.) Due to the commotion and violence that resulted when each tried to find his own lulav, “they ordained” (hitqinu) that each person should take the lulav at his home. In this way the connection between the lulav and the temple weakened; a temple ritual was transferred to the home. However, it is hard to judge the historical accuracy of this source. The historicity of taqqanot in rabbinic sources has been challenged. Jaffee, Taqqanah, argues that the taqquana in the Mishna is a literary device which rarely reflects historical reality. But even if there was no formal taqquana – if the practice of taking the lulav at home developed because the particularly pious did not wish to carry their lulavs to the temple – the development may have occurred along these lines. The custom of the “Men of Jerusalem” to hold the lulav throughout the day also indicates the ritual began to take on an identity of its own: it was carried in the hand outside of the temple; see Chapter 3, VI, text to n. 190 and see below.
24 Except for the Sabbath. See the previous note on the historical accuracy of the rabbinic taqqana. It is possible that taking the lulav for seven days was becoming
the lulav had not been performed exclusively by priests, but by all who took part in the temple celebrations. The process is part of the trend by which Judaism became more "portable" and less dependent on the temple, Jerusalem or the land of Israel. Sukkot henceforth would be celebrated in each local community, presumably in the synagogue or Beit Midrash, with the lulav and etrog.25

In this respect the approach of the tannaim parallels that of the restoration community depicted in Neh 8. Both the tannaim and the Nehemian assembly confronted the challenge of religious discontinuity by turning to scripture to learn how to observe Sukkot. Both groups responded with the popularization of a ritual that was previously limited to specific circumstances. The assembly put into practice the vision of the Holiness Code and made the sukkah a ritual obligation upon Jews everywhere. The tannaim directed that the lulav be practiced everywhere for seven days, expanding the prior limitation to temple precincts. Again the program of the Holiness Code reached fruition in the widespread celebration of the festivals with popular agricultural rites. The period of Ezra, Nehemiah and "the scribes" is widely regarded as the precursor to rabbinic Judaism with its emphasis on scriptural authority and exegesis. The historical development of the Sukkot rituals supports this view and exemplifies the parallel dynamics at work.

In this way rabbinic Judaism experienced continuity and discontinuity with the Judaism of the second temple period. Continuity, because the same ritual objects were used and transferred to the system of rabbinic piety.26 The destruction of the temple neither entailed a complete break with temple practice nor produced a total religious vacuum. Sacrifices were precluded but other elements of the cult could be incorporated into emerging rabbinic Judaism. It is significant that the lulav functioned as a means of "rejoicing," of expressing the cultic simha (joy) that found its primary fulfillment in the sacrificial meal. The

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25 We need not overinterpret this edict to discover a hidden agenda of R. Yohanan b. Zakkai. He was neither seeking to replace the temple, nor to appropriate its status and authority. His goal was simply to continue a ritual practice that had been part of the religious life of the people.

26 On different interpretations of the meaning of the Yavnean edicts, see J. Neusner, A Life of Yohanan ben Zakkai, ca. 1-80 CE (Leiden: Brill, 1970), 206-207, n. 3.
destruction did not preclude experience and expression of *simha*. Yet the discontinuity should not be minimized. Divorced from the temple context, the lulav’s function and meaning inevitably changed. No longer linked to sacrifices and the expression of cultic joy, the ritual was reinterpreted and new understandings of its significance and symbolism developed.\(^\text{27}\)

We turn now to the legal history of the sukka and lulav. What did rabbinic Judaism inherit from pre-destruction times? Which laws reflect rabbinic innovations? How did observance change within the tannaitic period itself? What do these changes reveal about the rabbis, their ideas and the meaning of Sukkot?

To assess rabbinic innovations it is necessary to determine the nature of the rituals prior to the rabbinic period. Much of this groundwork was covered in Chapter 2 where we examined the relevant sources from the second temple period. As with the temple rituals, rabbinic sources contain traditions about the laws of the lulav and the sukka that prevailed during temple times. These sources must be analyzed in conjunction with the second temple materials to attain as complete as possible an understanding of the legal development. Great methodological care needs to be taken, since the rabbinic sources are much later and reflect the rabbinic point of view. Nonetheless, they can inform our understanding of earlier times.

To chart historical development within the tannaitic period we must rely on the attributions of traditions to various sages. As Jacob Neusner has emphasized, attributions cannot be trusted absolutely.\(^\text{28}\) In most cases there is no independent proof that a sage actually said what rabbinic sources attribute to him. Moreover, two rabbinic documents

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\(^{27}\) Much has been made of the “trauma” experienced by Jews following the destruction and the courageous “response” of the framers of the Mishna who insisted the connection between God and his people was unbroken; see B. Bokser, “Rabbinic Responses to Catastrophe: From Continuity to Discontinuity,” *PAAJR* 50 (1983), 37-62; idem, *Origins*, 7-8, 89-93; Green, *Name*, 79 and Neusner, *Judaism*. The decision to take the lulav for seven days in conscious imitation of the temple practice reflects this courage and constitutes a powerful response to their theological crisis. However, S.J.D. Cohen, “Jacob Neusner, Mishnah, and Counter-Rabbinics: A Review Essay,” *Conservative Judaism* 37 (1983), 57-58 questions the extent of this trauma. The tannaim may have been motivated less by trauma than by the attempt to base their observance on scripture and to preserve as much as possible from temple times without appearing to perpetuate the cult itself. The lulav had never been the exclusive prerogative of priests, so its continued practice arrogated no sacerdotal rite. When rabbinic worship replaced the temple liturgy, the tannaim resolved to take the lulav each day as had been done in the temple.

\(^{28}\) See Chapter 3, I n. 1.
sometimes attribute the same tradition to different sages. Often a ruling is worded differently in two documents, making it difficult to determine the original statement. In his monumental study of the Mishna, Neusner partially overcomes these considerations by dividing all attributed rabbinic traditions into three historical periods. He collects traditions attributed to all sages who lived “before the wars,” i.e., before 70 CE, “between the wars,” from the destruction of the temple until the Bar-Kochba revolt of 132-135 CE, and “after the wars,” from 135 CE onward. Neusner demonstrates that the sages in each period focus on specific issues and legal questions, and that those of the later periods build on the conclusions reached in earlier generations. I have essentially adopted this approach, although I analyze traditions attributed to each tannaitic generation, as opposed to Neusner’s three historical periods. I focus on the legal issues discussed, rather than the exact wording of the tannaitic statements, so the problem of verbatim transmission generally does not apply. The results bear out the general validity of a division according to generation. Sages of a given generation direct their attention to a limited range of issues, and succeeding tannaitic generations build on the conclusions of their predecessors in an orderly progression. While this argument is somewhat circular, any methodology involves some degree of circularity, because conclusions emerge from data analyzed according to certain assumptions. In this case I consider it unlikely that mere

29Neusner, Judaism, 18-22.
31Cf. Neusner, Judaism, 17: “all units of thought in the Mishnah made intelligible statements, exhibiting a logic coherent with the document as a whole. Thus I could attempt to correlate what was said in a given name with the place, in the unfolding logic of the document, of what that named authority was made to say.”
chance or deliberate retrojection is responsible for the coherent unfolding of law generation by generation.

II. The Four Species

Rabbinic sources exhibit a unanimous and undisputed tradition concerning the interpretation of Lev 23:40. All sources assume that the commandment consists of taking four species in the hand as a festival bouquet. In all sources these species are identified as the citron (etrog), palm branch (lulav), myrtle and willow. While the Bible refers to branches of palms (kapat temarim) and to “willows of the brook” (carvei nahal), the precise identification of the palm branches as the immature

32 This must be noted since some have suggested Lev 23:40 does not unambiguously refer to a festal bouquet. According to Samaritan tradition, the Torah directs the species be used for building sukkot, not that they be carried in the hand. See S. Hanover, Das Festgesetz der Samaritaner (Berlin, 1904), 31, 50-51; S. Lowy, The Principles of Samaritan Bible Exegesis (Leiden: Brill, 1977), 310 n. 45. (The fruit should be hung for decorative purposes from the roof of the Sukka.) Some scholars suggest Neh 8 reflects this interpretation and claim the ritual of a festal bouquet developed later. However, we noted that Neh 8 lends itself to other interpretations, and its silence does not prove the lulav was unknown. Most scholars explain the sensus literalis of Lev 23:40 as the taking of a festal bouquet and consider the rite of biblical provenance. See Chapter 2, 1 nn. 14 and 18. Rejoicing with festal wands is a primitive ritual that derives from the earliest stages of the festival.

33 The willow identified by the rabbis was possibly not the same willow intended by the biblical author of Lev 23:40. Many scholars identify the biblical ‘arava as the Euphrates poplar (populus euphratica), not the willow (of the salix genus), and consider the safsefa of Ezek 17:5 as the willow. The rabbis were aware of the confusion, claiming that after the destruction of the temple the ‘arava and safsefa changed names: that which was once called ‘arava was then called safsefa and vice versa (bSuk 34a; bShab 36a). Other scholars believe ‘arava in the Bible refers to both the salix and the Euphrates poplar; see Zohary, Plants, 130-31. The baraitot of tSuk 2:7, bSuk 34a and ySuk 3:3, 53c prohibit the safsefa and certain types of ‘arava, but describe them in different ways. Another species of willow, the hilpa gila is permitted by Abaye (bSuk 34a). For an exhaustive (and exhausting) discussion on the identification of the ‘arava and safsefa see Y. Feliks, “Lezihu ‘arava vešafsefa,” Hamaayan 10,3 (1969), 12-18 and the response by M. Kislev, “Arava keshera, ‘arava pesula vešafsefa,” Hamaayan 11, 1 (1970), 37-49. In sum: Feliks identifies the permitted ‘arava as any type of salix, the unfit ‘arava as the populus euphratica and the safsefa as the populus alba. Kislev suggests that in Babylonian sources the permitted ‘arava is the salix acmophylla and the safsefa is the salix alba. In Palestinian sources the permitted ‘arava is the same salix acmophylla, while the unfit ‘arava and safsefa are hybrid species of salix. Kislev identifies the hilpa gila as the populus euphratica; Feliks and Löw, Flora, 3:329 say it is salix alba. (Cf. Löw, Flora, 3:325-27; H.N. and A.L. Moldenke, Plants of the Bible [Waltham, Massachusetts: Chronica Botanica Co., 1952], 183 and I. Abrahams, Festival Studies [London, 1906], 119-23.) On the post-talmudic debate
palm fronds (*lulav*) and the willows as particular species of willow reflects post-biblical interpretation. Of course the identifications of "the fruit of goodly trees" as the etrog, and the "boughs of leafy trees" as the myrtle are also rabbinic, a fact of which the rabbis were fully conscious. Yet Mishna-Tosefta presupposes that the terms in Leviticus refer to these species. No dissenting opinion appears, nor is any prooftext adduced. *Sifra 'Emor* 16:4,6 (102d) provides halakhic midrashim proving that the scriptural references relate to the citron, myrtle and willow, but the

among the medieval jurists see Löw, *Flora*, 3:323-32. Since the rabbis do not distinguish the 'arava used in the circumambulations of the altar from that of the lulav cluster, and even link it to Lev 23:40 (bSuk 45b), the identification of that 'arava is connected to this question. For botanical descriptions and pictures of these species see M. Zohary, *Flora Palestina* (Jerusalem: The Israel Academy of Science and Humanities, 1966), 1, 1, 24-30 and 1, 2, 24-30 (plates).

In later stages of development the palm frond is called a haruta. See Löw, *Flora*, 2:329-30.

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34In later stages of development the palm frond is called a haruta. See Löw, *Flora*, 2:329-30.

35See VR 30:15 (712): "Solomon's wisdom was great...He was the wisest of all men [...] He discoursed about trees, from the cedar in Lebanon to the hyssop that grows out of the wall" (I Kgs 5:10-13). He sat and wondered about these four species, as it says, Three things are beyond me (Prov 30:18). The paschal offering, the unleavened bread and the bitter herbs. Four I cannot fathom. These are the four species which he tried to understand. Fruit of goodly trees (Lev 23:40). Who says this is the etrog? All trees produce goodly fruit. Branches of palms. The Torah said to take two branches of the palm tree and to praise with them, yet he specifically takes the lulav, the heart of the palm. Boughs of leafy trees. Who says this is the myrtle? Behold, it says in another place, Go out to the mountains and bring leafy branches of olive trees, pine trees, and myrtles (Neh 8:15). And Willows of the brook. All trees grow beside water...These are the four species which each and every Israelite hurries to acquire to praise the Holy One, and while they seem like trivial matters to human beings, they are important to the Holy One. And who explained to Israel that these fours species are the etrog, lulav, myrtle and willow? The sages, as it says, Yet they are the wisest of the wise (Prov 30:24).” See too Maimonides, *The Guide of the Perplexed*, trans. S. Pines, intro. by L. Strauss (Chicago: The University of Chicago Press, 1963), 3:43 (572-73): “As for the four species that constitute a lulab, the Sages, may their memory be blessed, have set forth some reason for this in the manner of Midrashim whose method is well known by all those who understand their discourses. For these [namely the Midrashim] have, in their opinion, the status of poetical conceits; they are not meant to bring out the meaning of the text in question.” That is, the sages did not learn the identification of the species from Lev 23:40. The midrashim they devised were simply poetical conceits or mnemonic aids, not true exegesis. Maimonides then launches into a discussion of the nature of midrashim in general. For him the identification of the four species was a paradigmatic case of the midrash not being the true source of the law!

36The *derashot* for the myrtle and willow are unattributed. Two *derashot* are provided for the etrog, one of which is attributed to Ben Azai. bSuk 35a attributes the *derasha* of Ben Azai of the *Sifra* to R. Abahu, and attributes a different *derasha* to Ben Azai. Parallels to the *derashot*: etrog: ySuk 3:5, 53d; BR 15:7 (140); VR 30:8
exegeses only link the accepted custom to scripture. They are not reactions to competing halakhic traditions nor intended to pre-empt alternative interpretations of the verse. The tradition of the targums, the Aramaic translations of the Torah, is unanimous. Onqelos translates “the fruits of the trees, etrogs, lulavs, and myrtle branches, as well as willows of the brook,” and the other targums are similar. The sources are in no way polemical, and all concur. In addition, a letter from Simon Bar-Kochba (Kosiba), leader of the second Jewish revolt of 132-135 CE, requests the four species by their Mishnaic names. Lulavs and etrogs appear on coins from the first and second revolts, and the species depicted, as far as is possible to tell, are those of the Mishna.

(706); PRK 27:8 (413); myrtle: bSuk 32b; y3:2, 53c; VR and PRK as above; willow: tSuk 2:7; b33b-34a; y3:3, 53c; VR and PRK as above.

It is interesting that Maimonides, in his introduction to his commentary to the Mishna, cites the identification of the four species among his examples of explanations of the commandments of the Torah about which absolutely no disagreement exists. He explains the halakhic midrashim as examples of the “science of Torah” whereby even undisputed elements of the oral law can be derived from the written Torah.

Onqelos: See Grossfeld, Leviticus, 53. Not only the term *etrogin*, but also *lulavin* and *hadasin* are rabbinic, not biblical. *TY*, *TN* and *CTgF* also spell out the rabbinic interpretations of the species. Thus *TY*, 147:1173: {*suk* 2:9} rules that if one does not have an etrog, he may not bring any other fruit as a substitute. There is no polemical intent here. The ruling simply precludes the taking of other fruit even in emergencies. Tannaitic sources specify what types of palm branches may be used, and what species of willow, but these basic identifications are unquestioned (t2:7).


See Y. Meshorer, *Jewish Coins of the Second Temple Period*, trans. I.H. Levine (Tel-Aviv: Am Hassefer, 1996), #161 (from 69 BCE). See also, #162, 162A, 163, 163A (also from 69 BCE); 165, 178-180, 199 (from the Bar-Kochba revolt.)
How early can we date the rabbinic tradition that identifies the
citron, palm, willow and myrtle as the four species? Was this the
unique interpretation of rabbinic or proto-rabbinic circles, or the common
practice the rabbis inherited from temple times? Of course the ritual
could not have crystallized before the species were available in Palestine.

Palm, willows and myrtles are native to Palestine, but citrons are not.
Thus the earliest possible date depends on the spread and cultivation of
citron. Fortunately, S. Tolkowsky addressed this question in his
comprehensive work on the history of citrus fruit. Tolkowsky argues
that the word ‘etrog derives from the Persian torong’, an etymology
which points to the source whence the fruit spread to the Near East.
Citrus fruits originated in the East Asian regions of China and Malaysia.
Traders carried them through India and into Persia in the first
millennium BCE. The first reference to citrus fruit in western sources
appears in a fragment of the poet Antiphanes (early fourth century BCE)
preserved by Athanaeus (second century CE).

The Greek botanist Theophrastus, circa 310 BCE, provides a full description of the citron in a
section of his Enquiry into Plants entitled “Of the trees and herbs special
to Asia.” His detailed information came from the Greek scientists who
accompanied Alexander the Great on his journeys into Persia. Theophrastus calls the citron, the “Medean” or “Persian apple,” as do all
early Greek writers. That subsequent Greek and Latin authors generally

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42 That Neh 8 lists different species is not decisive. The passage proves that the
rabbinic tradition was not normative, not that it was unknown.
43 Tolkowsky, Peri'es hadar (Jerusalem: Bialik, 1966), 13-68. See too Tolkowsky,
Hesperides: A History of the Culture and Use of Citrus Fruits (London: John Bale,
Sons & Carnow, 1938).
44 Tolkowsky, Hadar, 14-15. See H. Glidden, “The Lemon in Asia and Europe,”
JAOS 57 (1937), 381-95, who independently proposes this etymology; G. Dalman.
Arändisch-neuhebraisches Handwörterbuch (Frankfurt a.M, 1922), 46 and Löw,
Flora, 3:279. The “n” still appears in several of the Aramaic forms in the talmuds,
e.g., bQid 70a, ySuk 3:12, 54a, Git 2:3, 44b, yAZ 2:3, 41a, rdmn, cdmn, tdmn,

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45 The fragment is from Antiphanes’s play “The Boeotian Women,” preserved in
Heinemann, 1927], 1:357-63. See Hehn, Kulturpflanzen, 332.
46 Theophrastus, Enquiry into Plants, IV, iv, 1-3 (LCL, trans. W.A. Hort [London:
William Heinemann, 1916], 1:309-13); Hehn, Kulturpflanzen; 331-33; Tolkowsky,
Hadar, 46-47.
rely on Theophrastus's description indicates that cultivation of the citron in Greece and Italy did not take place for several centuries.

When did the citron reach Syria and Palestine? Could the citron have spread to Palestine and the Near East before arriving in Greece and the West? Tolkowsky discounts this possibility. He observes that Theophrastus emphasized that the citron grew exclusively in Persia and Medea, not in the other provinces of the Persian empire. Tolkowsky concludes that in the fourth century BCE citron cultivation was still limited to Persia and Medea, and had not spread even to Babylonia, let alone Syria, Palestine or beyond.47 He thus rejects the conjecture of earlier scholars that the Jews encountered the citron during the Babylonian exile and brought the custom back after the restoration under Cyrus.48 He calculates that the citron only reached Babylonia in the fourth century BCE, and could not have reached Palestine until sometime in the second century BCE.49 Now we might question whether Theophrastus's testimony concerning the geographic limitation of the citron is completely accurate. Many years after Theophrastus, in the first century CE, Pliny still claimed that "because of its [the citron's] great medicinal value various nations have tried to acclimatize it in their own countries...but it has refused to grow except in Medea and Persia."50 At this time, however, cultivation of the citron was thriving in both Judea and Babylonia.51 Yet such speculation, in my mind, should not compromise Theophrastus's observation that in the fourth century BCE the citron grew exclusively in Persia and Medea, nor the complete absence of attestation in western sources until the early fourth century BCE. This places us in the late Persian or early Hellenistic period as the earliest possible date for the presence of the citron in Palestine and the standardization of the four species.52

47Tolkowsky, Hadar, 48.
49Tolkowsky claims that peri 'es hadar of Lev 23:40 refers to the dar tree, a cedar tree considered holy in India, and the fruit used was the cedar cone. Simon Maccabeus ordered that the cone be replaced with the citron because pagans used the cone in their rituals. This speculative thesis in no way impugns Tolkowsky's analysis of when the citron appeared in Palestine.
50Natural History 12, 16 (LCL, trans. H. Rackham [Cambridge: Harvard University Press, 1945], 4:13).
51That there was no shortage of citrons in talmudic times suggests that cultivation must have started in Babylonia long before then. See the story of R. Zera (mid-3rd century; but MS Munich has Rava and Vatican 111 has Rav Yehuda) who was pelted by etrogs in Mehoza, bQid 73a.
52E. Isaac, "Influence of Religion on the Spread of Citrus," *Science* 129 (1959), 179-86 proposes a competing theory for the spread of the citron. He argues that
Yet the actual practice of taking the etrog on Sukkot and its identification with Lev 23:40 may have occurred later. Mere availability of the citron does not guarantee its ritual use. To further pinpoint the date of the practice we must turn to our literary sources. The Septuagint translates Lev 23:40 without any hint of the citron or myrtle, but this only proves that the translators chose to translate literally in this case, not that the identifications were unknown. In our survey of the sources from the second temple period we noted that Jubilees, following biblical terminology, mentions willows and palms but not citrons or myrtles. Maccabees only refers to bouquets in general terms. Pseudo-Philo is the earliest source to identify one of the species with his reference to the myrtle. He may mention the citron, but this is uncertain. Josephus unambiguously mentions the four species. In AJ 3:244-47 he mentions “a bouquet composed of myrtle and willow with a branch of palm, along with citrons.” In AJ 13:372 he relates that Alexander Jannaeus (103-76 BCE) was pelted with citrons on Sukkot, “it being a custom among the Jews that at the festival of Sukkot everyone holds wands of palm branches and of citrons – these we have described elsewhere.” Note that Josephus does not explicitly mention the myrtle and willow, as he does in the first passage. But his own cross-reference indicates that his intention is not to provide a full description here. The wands include the current botanical theory points to the origin of the citron in Arabia, not in East Asia, basing himself on W.T. Swingle, The Citrus Industry, ed. H.J. Webber and L.D. Batchelor (University of California Press: Berkeley and Los Angeles, 1943), 397. Isaac cites as evidence of the existence of the citron in the ancient Near East the depiction of “what is most probably the citron on an Assyrian sculpture,” the finding of citron seeds in the ruins of old Nippur in Southern Mesopotamia from about the fourth millennium BCE, and references to the ‘iltakkû, which, he claims, corresponds to the Hebrew ‘etrog, in Assyrian medical texts of the second millennium. (Tolkowsky, Hesperides: A History of the Culture and Use of Citrus Fruits [London: John Bale, Sons & Carnow, 1938], 43 claims the seeds come from assorted rare fruits of foreign provenance.) Extensive contacts existed between all Near East civilizations even in the fourth and third millennia, and it is virtually certain that seeds, fruit and grain were transferred as well. So there is “great likelihood that the citron was transmitted from its place of origin in Southern Arabia to Egypt and Palestine in the course of trade” (p. 181). Isaac conjectures the citron spread to the coastal planes of Palestine in the “period of the early kings of Judah and Israel.” He concludes the pri’ès hadar of Lev 23:40 indeed refers to the citron. The arguments in favor of this last point are weak. That the citron was considered holy in other cultures, “including India and China,” proves nothing about the Israelites. Worse, Isaac adduces the insistence of rabbinic sources (and their “long oral tradition”) that Lev 23:40 refers to the citron as further evidence the biblical verse refers to that fruit. Of course we would expect Lev 23:40 to specify the citron if it meant it. For additional discussion of the merits of each theory, see Rubenstein, Dissertation, 310-15.

53See Chapter 2, VIII text at n. 109.
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willows and myrtle he has detailed earlier. The Jannaeus account places us in the early second century BCE. While Josephus may be citing an early source, the legendary quality of the story suggests that he is retelling a folktales of sorts. This raises the possibility that Josephus has retrojected the ritual current in his day to the age of Jannaeus. So Josephus can only be taken as evidence of the situation in his own time.

It seems most likely that the identification of the species became the standard practice at some point during the first century BCE or early first century CE. An earlier date is unlikely because of the lack of documentation in the sources and because some time must have passed after the introduction of the citron to Palestine in the fourth or third century BCE until cultivation became widespread. A later date is ruled out by the fact that use of the citron became so standardized that Josephus, rabbinic sources and perhaps Pseudo-Philos take it for granted. In the age of Josephus and in even the earliest recollection of rabbinic sources the four species were universally recognized as the festal ritual on Sukkot and the fulfillment of Lev 23:40. The Josephan passages and the coins from the first revolt demonstrate that the four species were the practice even outside rabbinic circles. The lulav, then, was no idiosyncratic ritual limited to the rabbis, nor a rabbinic innovation - the rabbis simply inherited what had become the common practice in temple times.

III. The Rabbinic Lulav Ritual

Apart from the account of the Men of Jerusalem who held their lulav throughout the day, all rabbinic sources assume that the lulav is "taken" or "shaken" at specific times. The earliest source, a debate between the Houses of Shammai and Hillel, employs the verb "shake" (מָשַׁק; mSuk 3:9). The issue concerns at what times the lulav should be shaken during the recitation of the Hallel. m3:15, an unattributed source, rules that "a minor who knows how to shake is obligated with respect to the lulav." "Shake" also occurs in unattributed traditions in m3:1, tHag 1:2 and tBer 3:19. The verb "take" (נַלְכַּה) is far more common. נַלְכַּה occurs in late biblical Hebrew with the sense of "to take" or "to carry," and, due to the influence of Aramaic, is the regular verb in Mishnaic Hebrew for biblical LQH. Its use in connection with the lulav clearly

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54Chapter 3, VI text to n. 190.
55Cf. Isa 40:15. For Mishnaic usage see mBM 1:1; Shab 1:1 etc. The identity of the biblical נלכָּה and the Mishnaic נלך is seen in Sifra Mesora 4:8 (73c): נלכָה אֵיבֶן נלכָּה. רַבִּי יִשְׁמָעֵאל אֶלֶף עַשְׂרֵנֵי שֵׁמֶר הָאָרֶץ [14:42] Dock. Other such examples include Sifra 鲨, Milmum, 1:29 (42b); BR 65:6-9 (725-6); 97:1 (1242, according to MS Vatican); Sifre Deut. §23 (33). See A. Ben-David, Leshon miqra veleshon hakhamim (Tel-Aviv: Devir, 1967-71),
derives from the biblical phrase “and you shall take” (*uleqâhtem; Lev 23:40).*56 It is interesting that *NTL* only appears in unattributed statements.*57

Tannaitic Sources assume that the ritual gestures are known and do not define them in detail. The only description of shaking the lulav appears in a baraita, *y3:10*, 53d, which instructs that “one must shake three times.” The most informative description of “to take a lulav” appears in *tBer 6:10*, which rules that when one “takes” the lulav he recites the blessing “...on the taking of the lulav” (*al netilat lulav*), and when one “makes” the lulav he recites the blessing “...who has kept us alive and sustained us and brought us to this occasion.”*58 To take a lulav presumably involved lifting up the lulav and reciting a blessing. Tannaitic sources do not reveal whether the blessing-taking involved “shaking” as well.*59 Nor do the sources specify when the taking takes

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56 See David Abudarham, *Sefer Abudarham*, (Jerusalem, 1958), 293.
57 See *mSuk* 3:5, 3:9, 3:13, 4:4, *Ned* 2:2, *Shevu* 3:8, *tNed* 1:5. *mSuk* 3:12 (= *mRH* 4:4), cited above, where R. Yohanan b. Zakkaï ordained that the lulav be “taken” for seven days, is anonymously transmitted. The formulation, including choice of verb, cannot be attributed to R. Yohanan b. Zakkaï. (The verb *NTL* appears in attributed traditions in other contexts.) Some manuscripts of *mSuk* 3:9 contain the verb *metarfin*, from the root *TRP*, in place of *mend nein*. This verb also means “to shake” or “to move vigorously.” See Fox, *Succah*, 102-106.
58 The *shehekhianu*. In *ySuk* 3:4, 53d the blessing upon making the lulav is not the *shehekhianu* but *vesivanu la'asot lulav*, while the *shehekhianu* is to be said when one prays with it. Cf. *bSuk* 46a.
59 The silence of the sources suggests the taking did not include shaking at least in the early tannaitic period. Tosefot, *bSuk* 37b, s.v. *behodu* observe that only two sources pertain to this question. *mSuk* 3:15 states that “a minor who knows how to shake is obligated with respect to the lulav.” The Tosefot explain that although the minor does not know how to recite the Hallel, he should nevertheless “shake” when he recites the blessing, i.e., when he “takes” the lulav. The second source, *tBer* 3:19, rules: “If one sets out on a journey early in the morning, they bring him a shofar and he sounds, or a lulav and he shakes, or a scroll [of Esther] and he reads it, and when the time for reciting the *shema*’ arrives, he recites.” According to the Tosefot, although he does not recite Hallel, he nonetheless takes the lulav and shakes it. (Tosefot cite the passage from *bBer* 30a where it appears in slightly different form.) Both of these sources are given to alternative interpretations. *mSuk* 3:15 may simply mean that a minor who knows how to shake at the appropriate points in the Hallel, or even to recite the Hallel, must shake the lulav. It need not relate to the “taking” at all. *tBer* 3:19 may mean that only if one will not have a lulav when he prays does he shake the lulav beforehand. It may even imply that he recites the entire Hallel and shakes at the appropriate times. Some rishonim realized that these sources were not conclusive. Thus *Ibn Ghiyyat*, *Sha'arei simha*, 1:110 notes that several Geonim rule that one shakes the lulav following the blessing, but suggests they would not have done so had it not been...
place, whether immediately upon waking in the morning or prior to the Hallel during the morning service, the standard practice of post-talmudic times. The shaking occurred during the recitation of the Hallel. In any case, the tannaitic lulav ritual involved two separate components. Here too we see continuity from temple times as well as rabbinic innovation. The shaking during the Hallel derived from the temple liturgy, while the blessing for the commandment of taking the lulav, like all blessings for commandments, were rabbinic creations.  

Few traditions concerning the lulav other than those already cited date from temple times. The Houses dispute the fitness of a demai etrog for ritual use (m3:5). The question primarily concerns tithing, a principal interest of the Pharisees. In Chapter 3, VI we discussed mSuk 4:4, which purports to describe the logistics of bringing the lulav to the temple, and questioned the historical accuracy of the tradition. Yet the law behind the account, that on the first day of Sukkot one must use a lulav that one owns, does appear to be of considerable antiquity. While this law is spelled out in m3:13, an unattributed Mishna, the ruling is introduced with the phrase “for the sages have said...” Thus m3:13 cites an older law. In t2:11 and Sifra ‘Emor 16:2 (102c) the same ruling is adduced in connection with a ma’ase (case) involving Rabban Gamaliel (of Yavneh). Even if the ma’ase is apocryphal, there seems to be sufficient

a “tradition” (qabbala) they received and a practice they observed among their elders. He cites tbBer 3:19 as a “support” (semikha), the implication being that it is not decisive. See too Abraham b. Nathan of Lunel, Sefer Hamanhig, ed. Y. Raphael (Jerusalem: Rav Kook, 1978), Laws of Etrog, §§31-33 (2:397-98) who cites a chain of Geonim as well as tbBer 3:19. See also OG, Sukka, teshuvtot §§117-126 to bSuk 39a (52-54). Still other rishonim considered the evidence even less compelling. Thus Hagahot Maimoniot n. 5 to Maimonides, MT, Laws of Lulav 7:10, cites Rabenu Simha: “There is no proof that we shake along with the taking, neither in our Talmud, nor the Palestinian Talmud, nor in the Tosefta, but only [that one shakes] during the Hallel.” R. Simha notes that tbBer 3:19 cannot be taken as proof. He concedes that while the common practice is to shake when the lulav is taken, “it is astounding” that mSuk 3:1, which mentions the shaking during the Hallel, omits mention of shaking with the blessing.

60 At least in the rabbinic form. See E. Qimron, “Times for Praising God: A Fragment of a Scroll from Qumran (4Q409),” JQR 80 (1990), 341-44 for evidence of blessings for the commandments at Qumran.

61 Neusner, Judaism, 53-55.

62 Text to n. 186. m4:4 is unattributed. Epstein, Tannaim, 351 claims this mishna indeed dates from temple times. He notes that it contradicts m3:13, and, following b43a, suggests that m4:4 dates from temple times, m3:13 from post-temple times. (He also points out that the entire fourth chapter deals with temple rituals.) However, the two mishnayot may simply derive from different post-temple sources. That the two are so similar may indicate that the contemporary practice was retrojected back to temple times.
evidence to assign the ruling to the first or second tannaitic generation, if not earlier.63

The second and third tannaitic generation define the lulav with greater precision. R. Eliezer (second generation) rules on a basic matter of definition by legislating that the etrog need not be in the same “band” (’aguda) as the palm, myrtles and willows.64 This suggests a band of some sort was customarily used to keep the species together, an issue the third generation would also consider. R. Ishmael and R. Akiba debate the number of each species required in the bouquet.65 R. Ishmael requires three myrtles, two willows, one palm and one citron; R. Akiba rules that one of each is sufficient. Apparently at this time the palm was adorned with any number of willows and myrtles, and perhaps multiple palms and etrots were taken as well. The tannaim wished to determine a minimum number for each species. These disputes reveal an increasing concern for standardization of the ritual.

R. Ishmael and R. Tarfon dispute whether the myrtles need be in perfect condition or whether the tops may be broken off (m3:4). In Sifra Emor 16:4 (102d) R. Tarfon comments on the biblical phrase “branches (kapot) of palm,” that “if they are separate he should bind them (yikhpenu).” That is, if the leaves of the palm have begun to separate and spread apart from each other, they should be bound together. t2:8 rules that the willow and myrtle must be three handbreadths long, and the lulav four. R. Tarfon comments that these handbreadths are five to a cubit. These rulings continue the interest in standardization and begin the issue of setting minimum and maximal sizes.

The fourth tannaitic generation (including the students of R. Akiba) took a greater interest in defining imperfections that render the species unfit. They rule on such matters as palm branches with separated leaves (m3:1), minimum and maximum sizes of the etrog (m3:7), a discolored etrog (m3:6), withered etrots and desiccated species (t2:9).66 m3:1-3 and

63The division of tannaitic generations follows H. Albeck, Mavo lamishna (Jerusalem: Bialik; Tel-Aviv: Devir, 1959), 222-33. The first generation includes R. Yohanan b. Zakkai, R. Dosa b. Hyrcanus and their associates; the second Rabban Gamaliel, R. Eliezer b. Hyrcanus, R. Yehoshua b. Hananiah and the later Yavneans; the third R. Ishmael, R. Akiba, R. Tarfon et al.; the fourth the students of R. Akiba: R. Meir, R. Shimon, R. Yehuda, R. Yose; the fifth includes R. Yehuda Hanasi and the later tannaim. The same division can be found in Strack, Talmud, 69-90, except Strack-Stemberger divide the second generation into an “older group” and a “younger group” (my third generation.)

64Baraita, bSuk 34b.

65mSuk 3:4, Sifra Emor 16:7 (102d).

66Several baraitot in the talmuds relate to these matters: b31b-32a; y3:1, 53c. An unattributed baraita, b33a permits a myrtle with dried leaves provided three green clusters remain (םלשה בר איר עלים).
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5-6, which contain the bulk of such laws, can probably be assigned to this generation. These are the first attributed sources that disqualify the species on account of physical imperfections.

A second issue debated in the fourth generation was whether the lulav must be bound together, and with what it may be bound. R. Eliezer, we noted, had ruled the etrog need not be in the band with the other three species, which indicates that having a band was a common practice. R. Meir ruled the lulav required a band, and attempted to prove his position by adducing a precedent from the custom of the Men of Jerusalem who used to bind their lulavs with golden bands (t2:10). The issue was whether the band was merely a convenience, and hence optional, or whether it formed an intrinsic part of the bouquet.

Tannaim of the fourth generation also turned their attention to matters of the lulav and the Sabbath, an interest that parallels the detailed instructions for carrying out the temple rituals on the Sabbath, which runs through the fourth and fifth chapters of the tractate. The question arose as to whether the prohibition against carrying affected the lulav ritual. Now m4:2, which treats the lulav ritual of the temple, rules that the lulav was performed in the temple on a Sabbath that coincided with the first Festival-Day, but not if the Sabbath fell on an intermediate day. Worshippers deposited their lulavs in the temple before the Sabbath and reclaimed them on the morrow (m4:4). m3:13 rules the same for the synagogue: on the first day of Sukkot that coincides with the Sabbath the lulav is placed there on Friday. By implication, if the Sabbath coincides with the intermediate days of Sukkot, the lulav should not be taken. This ruling appears explicitly in a baraita, Sifra 'Emor 16:3 (102d). So the distinction between the first day and subsequent days was retained after the destruction, and, if the tradition of depositing the lulav at the temple is accurate, the post-temple solution was based on temple precedent as well. The students of R. Akiba explored further ramifications of this decision. R. Yose rules that if one carries his lulav outside his house by accident on the first day of Sukkot that falls on the

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67 Most statements in these mishnayot are unattributed. R. Yehuda is mentioned in 3:1, and R. Meir in 3:6. The only other attributions are to the Houses of Hillel and Shammai in m3:5, but here the issue is the demai etrog, a question related to tithing, and probably transferred here from an earlier source.
68 m3:8, t2:10, Sifra 'Emor 16:1 (102c). Cf. the baraita, bSuk 11b.
69 See Chapter 3, VI text to n. 185. Because of the commotion that resulted in the temple when each attempted to reclaim his own lulav, it was later decided that the rite should be performed at home.
70 The baraita also appears in b43a. Cf. y3:13, 54a and TK, 4:869.
71 Note that the tradition concerning R. Yohanan b. Zakka'i's decree also testifies that the first day was distinguished in temple times. For the exegetical basis to distinguish the first day from other days, see n. 6.
Sabbath he is exempt from punishment (m3:14). He also rules that once one has shaken the lulav on the Sabbath, he may no longer touch it (t2:11). R. Yehuda rules that the lulav may be returned to water on the Sabbath, the issue being whether this act constitutes a type of planting (m3:15).

This leaves the unattributed sources. t2:8 limits the lulav to the four species defined by Leviticus. It is not self-evident from Lev 23 that no more than four species are to be brought. Conceivably several types of “leafy boughs” could have been incorporated into the lulav, even if the myrtle and willow had to be included. The Tosefta rules out this possibility; one brings the four species, no more, no less.\(^{72}\) Compared to scripture, tannaitic sources know the precise identification of the components of the lulav, and know that there are only four. An anonymous tanna rules that a minor who knows how to shake the lulav is obligated (m3:15).

A number of unattributed traditions pertain to the definition of fit and unfit species. As we noted, most of m3:1-3, 5-6 deals with this topic. t2:7 disqualifies a dried palm-branch (haruta) and one with spread leaves (i.e. in later stages of development, cf. m3:1), permits willows from a private field or from mountains, defines and disqualifies the safsefa,\(^{73}\) and concludes that a fit willow has a red stem and a long leaf while an unfit willow has a white stem and a circular leaf.\(^{74}\) These disqualifications represent a more restrictive interpretation of the biblical text. “Palm branches” refers to immature fronds, not firm boughs, and “willows of the brook” does not include all willows. In a similar fashion, m3:1 rules that a type of palm, “thorn branches of the iron mountain,” are fit, while a related baraita, y3:1, 53c defines which of these palms are fit, and which forbidden.\(^{75}\) t2:8 rules that willows and myrtles with cut stalks are fit.\(^{76}\) A baraita, b32b, rules that a myrtle that has lost a majority of its leaves is permitted, provided its “plaiting” remains.\(^{77}\) t2:10 rules that one may not make a band for the lulav on the festival-day. Thus most of the

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\(^{72}\)Sifra ‘Emor 16:8 (102d) and mMen 3:6 rule that the lack of one of the species prevents the fulfillment of the commandment (םהריין ויהי בהדרה).

\(^{73}\)See n. 33.

\(^{74}\)The baraita, b34a, defines a fit willow as one with “a leaf drawn out like a brook.” A second baraita excludes the safsefa since it grows in the mountains, not by the brook. (Although this seems to go against the reasoning of other baraitot that do not specifically require willows of the brook.) Unattributed baraitot of b34a and y3:3, 53c rule on permitted willows and the shape of their leaves.

\(^{75}\)On the identification of the “iron mountain” see Löw, Flora, 2.312-13 and the references there.

\(^{76}\)Precisely which part of the branch is meant is unclear. See TK, 4:859.

\(^{77}\)Avuto. The baraita of b36a lists a number of defects which disqualify an etrog. Other baraitot about the etrog: y3:5, 53d, 3:6, 53d; b35b.
unattributed traditions define imperfections which disqualify each species or identify fit and unfit subspecies (e.g. white-leafed willows). The concern for defining imperfections parallels that of the fourth generation, and the disqualification of subspecies is related. The ruling on the lulav band also reflects a fourth generation concern. It seems likely that these traditions derive from the students of R. Akiba, who first concentrated on these issues, or from their students, who explored the matters in greater depth.\textsuperscript{78}

The halakhic development in the tannaitic period reveals a fairly orderly progression by which, over the course of about a century, the tannaim proceeded from basic issues of definition to detailed legislation. The identification, number of the species and basic conception of the ritual (i.e. that Lev 23:40 is fulfilled by holding species in the hand) are presupposed by rabbinic sources. When the temple was destroyed the rabbis adopted the temple practice of taking the lulav for seven days. Blessings, hallmarks of rabbinic piety, were formulated for the lulav and added a second dimension to the ritual. Third generation tannaim (R. Akiba et al.) debated the number of each species required for the bouquet, and introduced certain standards for the palm branch. The students of R. Akiba continued this process and promulgated more detailed rulings about minimum and maximum sizes and other types of imperfections. The matter of the lulav band was also debated in the fourth generation, as were certain matters of the lulav and the Sabbath. The unattributed traditions parallel the fourth generation debates in defining fit and unfit species. There are no laws of the lulav attributed to the last generation of tannaim.

IV. \textit{Skhakh} (Sukka-roofing)

Scripture provides little information about the actual construction of a sukka. Lev 23:42 tersely rules “You shall live in sukkot seven days” but offers no description or definition of the sukka. Only one scriptural passage - the account of sukkot fashioned from the branches of trees in Neh 8 - sheds any light on how sukkot were actually built. The tannaim, however, did not take the Nehemian description as paradigmatic for their conception of the sukka. The only tannaitic source to cite Neh 8:15

\textsuperscript{78}Cf. Neusner, \textit{Judaism}, 19: “the anonymous sayings usually turned out to find a compendious place right where they should – in the history of ideas assigned to the authorities of the Mishnah. That is to say, they turned out to express the same principle as was in the name of a specific authority (usually an authority of the period after 140).” The “period after 140” corresponds to the period of the students of R. Akiba.
shows how negligibly the passage informed the tannaitic conception. The Sifra 'Emor 17:10 (103a) cites the commandment to dwell in sukkot (Lev 23:42) and comments “in sukkot [made] of any substance.” The Sifra then asserts R. Yehuda ruled that sukkot must be made out of the four species of the lulav. His reasoning and a refutation of his position are given. The passage continues by appealing to Neh 8:15: “And so Ezra says, and that they must announce and proclaim throughout all their towns and Jerusalem as follows, ‘Go out to the mountains and bring leafy branches of olive trees, pine trees, myrtles, palms and [other] leafy trees to make booths, as it is written.’” Thus Neh 8:15 is cited as an ancillary proof for the interpretation of Lev 23:42 that sukkot can be fashioned from “any substance.” The types of foliage listed in the verse are not the only permitted substances, as one might have concluded. Rather the types of foliage are those the people happened to find; in theory they could have used “any substance.” Neh 8:15 serves almost as an afterthought, a secondary support after the primary evidence – the interpretation of Lev 23:42 and the legal reasoning of both sides – has been cited. Note that R. Yehuda’s ruling cannot be harmonized with Neh 8:15, for that verse lists species other than the four mentioned in Lev 23:40. His conception of the sukkah is actually in tension with the Nehemian description.

More importantly, the Sifra has already presupposed the tannaitic conception of the sukkah and read Neh 8:15 in that light. Neh 8:15

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79 In the amoraic discussion Rav Hisda cites Neh 8:15 as proof that skhakh must derive from the soil and must not be subject to impurity; bSuk 12a. See Burgansky, Sukka, 221.

80 According to the Sifra, R. Yehuda reasons as follows: the lulav, which only is practiced during the day, may only be taken from the four species. Therefore the sukkah, which is observed day and night, a minori ad maius may only be made up of the four species. The sages reject this argument on the grounds that “any legal deduction that initially results in a stringency but ends up producing a leniency is not a valid deduction.” Here R. Yehuda initially rules stringently, that the sukkah may be made only of the four species, but ends up with a leniency, for if one lacks the four species, he is then exempt from dwelling in the sukkah.

81 That is, any foliage substance.

82 Of course if the Nehemian passage were really paradigmatic for the tannaitic conception of the sukkah, they would require that the sukkah (or at least the skhakh) be exclusively from the five species mentioned (just as the four species of the lulav must be those “mentioned” in Lev 23:40.)

83 According to Tosafot, bSuk 37a, s.v. vehaviu, R. Yehuda would explain that the myrtle and palm mentioned in Neh 8:15 were for the skhakh, and the other three species for the walls. (In the printed talmud this explanation occurs in the body of the text. But it does not appear in the MSS, and apparently entered from the margin. See DQS ad loc. n. 5. A similar interpretation appears in ySuk 3:4, 53d.) That R. Yehuda requires this forced interpretation proves that he did not base his model of the sukkah on Neh 8.
describes the construction of the entire sukka from various types of foliage; the text itself makes no distinction between the roof and the walls. While the Sifra theoretically could be understood as relating to the entire sukka (“in sukko t [made] of any substance” or, according to R. Yehuda, the “sukka may be [made] only of the four species”), when viewed in the context of all tannaitic sources it becomes clear that the Sifra debate is more limited. The tannaim viewed the sukka in terms of two components, the roofing (skhakh) and the walls, and subjected each component to different laws. As we shall see, tannaitic sources hardly limit the materials that may be used for the walls of the sukka, so that cannot be the subject of the debate. Rather, the Sifra debate exclusively pertains to the skhakh, and thereby imposes the concept on the verse. The Sifra (and other tannaitic sources by implication) reads the term sukko t in Neh 8 to refer to the skhakh, not the whole sukka as one might expect.84 The laws of skhakh are analyzed in this section, and the laws of the body of the sukka in the next.

Tannaitic sources generally call the roofing sikukh (סיקוק), the verb being sikekh (סיכך). I use “skhakh” because this became the common term in the amorai c and later periods. Scripture, we noted, does not know of this concept. Nor does the idea appear in Josephus, Jubilees or Philo. A hint of the concept perhaps can be detected in the Temple Scroll. The scroll describes beams and columns fixed upon the roof of the temple upon which the “sukkot” were to be built each year.86 This must mean that a roofing was built annually upon these permanent skeletal frameworks. We have no information about what materials were used for the roofing, nor whether laws governed this matter at all. In contrast, the concept of skhakh appears in all rabbinic sources. Skhakh,
then, is a legal category not documented outside of rabbinic literature, a unique element of the rabbinic interpretation of the festival.

The concept of skhakh probably emerged from the common manner of building sukkot, whether specifically for the festival or for other purposes. The flimsy shelters were covered with convenient and accessible materials to provide some protection overhead. Branches, stalks, husks and other discarded plant products were readily available. That, in essence, coheres exactly with the Nehemian description of the building of sukkot. After discovering the commandment to make sukkot, the people proceed to do so in standard manner: they collect leaves, branches and miscellaneous foliage to fashion a roofing. Bedouins of nineteenth and twentieth century Palestine still constructed the roofs of their huts from cut branches and other foliage.

Presupposing the common manner of constructing sukkot, the tannaim standardized and defined the process with legislation. This process created a category of skhakh distinct from the rest of the sukka. Yet the amount of legislation concerning skhakh indicates that it took on a significance of its own and quickly became a central rabbinic symbol. The interest in the relationships between resident, skhakh and sky shows that the rabbis were concerned with more than the typical manner of building sukkot.

That the concept of skhakh is presupposed by all rabbinic sources, that no effort is made to adduce a prooftext, and that no dissenting opinion exists, suggest that the concept dates to temple times. mSuk 2:8 reports that Shammai the Elder removed some plaster from the roof and placed skhakh over the bed of the child. In m1:7, the Houses of Shammai and Hillel set limitations on permitted roofing:

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87 See Krauss, Qadmoniot, 1:224-235. Tannaitic sources mention various types of sukkot. See n. 135.
88 The only description of skhakh for non-festival sukkot in tannaitic sources occurs in Sifre Deut. §317 (360). "It once happened (ma'ase) in Shihin that a mustard stalk had three twigs. They split off one of them and used it to cover (sikekhu bo) the sukka of artisans." This ma'ase functions in the Sifre as proof that in the future each grain of wheat will be as large as the two kidneys of a bull. The legendary tenor of the source does not impugn the underlying reality – that the sukka of artisans was covered with skhakh. Cf. tMa 2:21; bSuk 8b.
89 Whether the materials were used for the walls and posts, as the text seems to imply, is a separate question.
91 Tannaim debate precisely what can be used for skhakh, but all presuppose the concept.
92 This tradition contradicts the law preceding it, that women, slaves and minors are exempt from the sukka. There is thus good reason to trust the tradition, since no motive for fabrication exists.
[A] A ceiling [tigra] that has no plastering:

[B] R. Yehuda says in the name of the House of Hillel: he loosens or removes one beam between each two. And the House of Shammasi says: he loosens and removes one beam between each two.

[C] R. Meir says: He removes one beam between each two, and does not need to loosen the roofing.

According to R. Yehuda, both Houses invalidate a ceiling that contains plaster. Both invalidate a ceiling without plaster but consisting of wooden beams. The issue is how to render such a ceiling fit. The House of Shammasi requires both that the beams be loosened, so that they no longer resemble a typical ceiling, and that every other board be removed, so that the space can be covered with skhakh. The House of Hillel requires one of the two acts: either the beams be loosened, so that they no longer resemble a typical ceiling, or that every other beam be replaced with fit skhakh, so that despite the remainder of the ceiling, there exists a comparable amount of special roofing. For the House of Hillel the beams themselves serve as skhakh once they have been loosened and designated as skhakh, not as ceiling. R. Meir claims the Houses agree that one must remove every other beam and put down fit skhakh. Now we do not know what materials the Houses considered fit for skhakh, but they clearly had traditions to that effect. Both Houses prohibit the ordinary roofing of plaster covered by wooden beams. Even loosened beams are prohibited by both Houses according to R. Meir, and by the House of Shammasi according to R. Yehuda, since that type of roofing resembles that of ordinary dwellings. They require a clear indication that

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93 The better manuscripts read ספלל ית' תקנ. See Fox, Succah, 22-23.
94 Neusner, Pharisees, 2:150-51, points out that R. Yehuda need not have cited the Shammasite position. He could simply have quoted the Hillelite opinion anonymously. This fact makes it more likely that the Houses’ debate is authentic. Indeed, it may be possible to discern an even older halakha underlying the debate. If R. Yehuda’s tradition is accurate, then the Houses disagree over the correct interpretation of an older law. The law was formulated ספלל ית' תקנ. The Houses dispute whether the "" should be interpreted as “and” (Shammasi) or “or” (Hillel). See Epstein, MLH, 1064; Halivni, Meqorot, 4:175 n. 3; E.Z. Melamed, Ḥiyunim besifrut halakha (Jerusalem: Magnes, 1986), 58. If this reconstruction is correct the laws of skhakh would even antedate the Houses.
95 The Mishna does not spell out that the space must be covered with appropriate skhakh. But it cannot be that the spaces are left empty, for what advantage is that over loosened beams?
96 This explanation follows Maimonides (commentary to the Mishna ad loc. and MT, Laws of Sukkā 5:8; cf. bSuk 15a). Both talmuds propose alternative explanations as well.
the roofing is specially constructed for the festival. The Houses dispute the nature of skhakh confirms the early dating of the concept. The tannaim inherited legislation from their precursors who lived in temple times.

The Houses appear in one other debate related to skhakh. The House of Hillel declares valid a sukkah with skhakh so thick that the sun cannot be seen through it. The House of Shammai declares such a sukkah invalid. Both agree that the stars need not be perceived. This disagreement occurs only in a baraita of b22b, not in any tannaitic document, but there is no reason to suspect that the baraita is a late fabrication. The passage implies that normally skhakh was sufficiently sparse that the sun could be perceived. When it became so thick that it began to resemble a normal roof, the fitness of the skhakh was questioned. Thus these early sources take for granted the idea that skhakh is a unique part of the sukkah governed by laws that do not apply to the walls.

Two early traditions concern the use of mats for skhakh. In m1:11 R. Eliezer and the sages debate whether large and small reed mats are fit for skhakh. They agree on the principle that if the mat is subject to impurity, it may not be used for skhakh. In t1:10 R. Dosa, a contemporary of Rabban Yohanan ben Zakkai at Yavneh, appears in a similar dispute. R. Eliezer is known for his conservative tendencies and predilection for the old halakha. Again the sources indicate that the laws of skhakh date to temple times.

Most laws of skhakh are unattributed, a result of the scarcity of disagreements on the topic. Consequently the legal development within the tannaitic period cannot be determined with any certainty. In the following pages my purpose is to describe the overall tannaitic concept of skhakh, not to chart its historical development.

Objects susceptible to impurity are unfit for skhakh. We noted that certain types of mats were judged unfit. m1:3 invalidates a sukkah

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97 According to R. Yehuda, the House of Hillel permits loosened beams, since the act of loosening the beams fashions anew the roofing with the intention that it serve for the sukkah.
98 m2:2 contains the ruling that the stars need not be perceived.
99 The same idea appears in the baraitot of b20a and 20b. Cf. the baraita in y1:11, 52c.
100 Hyman, Toledot, 323.
102 This principle appears to be stated explicitly in mSuk 1:4. Printed versions generally read: “what is susceptible to impurity or does not grow from the soil may not serve as skhakh; but what is not susceptible to impurity and grows from the soil may serve as skhakh.” The manuscripts contain a plethora of variants. MS Parma 138, judged the most accurate by Fox and selected as the base text for
in which a sheet is placed under the skhakh to prevent the sun from striking the residents or the foliage from falling on them. Subject to impurity, the sheet may not be used as skhakh. Processed flax-stalks and sheaves with more grain than straw are unfit for the same reason. Spits for cooking and side pieces of a bed are likewise disqualified because of considerations of impurity (m1:8).

his critical edition, reads: “This is the general rule: That which [is susceptible to] impurity, if it does not grow from the soil, one may not use it for skhakh” (דisOk המצא אין ידיעתי מין המכסה ב”). See Fox, Sukkah, 13, 16-18; Epstein, MLH, 1043; Albeck, Mishna, 2:473; B. Ratner, ‘Alavat siyyon virushlayim (Vilna, 1901-7), 8:72-73. But this would imply that an object which is susceptible to impurity is fit for skhakh provided it grew from the soil, which contradicts m1:11, as well as m1:8, t1:5-6. Fox suggests reading סא as סא (and some versions do not have סא, but simply a סא, so the סא can then be read as סא סא ), rendering: “This is the general rule: That which is susceptible to impurity or does not grow from the soil, one may not use it for skhakh.” See his discussion and the variants. Several rishonim point out that this “general principle” (יהו שלל ) differs from all other such principles in the Mishna, since the general principle does not relate directly to the preceding law. The problematic variants, the idiosyncratic use of the term, and the fact that the amoraim never refer to this clause, and, what is more, derive the rule in other ways oblivious to the unambiguous statement in the Mishna, have led Burgansky to suggest that this clause was not original to the Mishna. It is an amoraic baraita that was appended to m1:4. This compelling suggestion solves numerous difficulties. See Burgansky, Sukkah, 201-206, 216, 221. And see TShab 2:4.

For more on mats see t1:10 and the baraitot, b20a, 20b.

So Rashi, b10a, s.v. haneshar, Ritba, ibid., s.v. pires. R. Tam in Tosafot, b10a, s.v. pires explains the sheet prevents the skhakh from withering in the sun or from falling off, which would leave the sukka with more shade than sun.

t1:5-6. Cf. b12b on types of processed flax, and TShab 2:4 with TK, 3:28.

Maimonides and Bertinoro explain that the Mishna deals with metal spits which are unfit because they do not derive from the soil. The juxtaposition with bedposts suggests a different explanation, supplied by the Mishna commentary Tiferet Yisra’el, Boaz n. 42 to m1:8. Both wooden spits and bedposts are questionable examples of vessels subject to impurity. (Metal spits are obviously unfit, being subject to impurity and not growing from the ground.) Wooden spits might be considered, “simple wooden vessels,” מ настоящее, which are generally not subject to impurity. On the other hand spits, if used as vessels, are subject to impurity. Bedposts, when disconnected from the bed, are “broken vessels,” תוחלט, and also are free from impurity (mKel 18:5). But the bedposts were formerly subject to impurity (and will be again if reconnected to the bed.) Because the law is not self-evident, the Mishna takes care to rule that spits and bedposts may not be used for skhakh. The same point is made in a baraita, bSuk 16a: “A mat of rushes or reed-grass, [having worn out], its remnants, even if reduced to less than the minimum amount [necessary to be subject to impurity] – one may not use them for skhakh.” Since the remnants originally came from mats subject to impurity, they cannot be used even in their present condition. See TK, 4:839; bSuk 15b-16a.
A second type of substance unfit for skhakh is foliage still growing in the soil. One may not train vines, ivy or other such plants over a sukkah.\(^{107}\) For the same reason, branches of a tree that overhang a sukkah do not count as skhakh (m1:2).

R. Yehuda and R. Meir dispute whether beams are fit for skhakh (m1:6). The issue recalls that of the debate of the Houses concerning the beamed ceiling. Beams of a certain size resemble a normal roof.\(^{108}\) Although they meet the other requirements of skhakh, R. Meir disqualifies the beams so as to distinguish the sukkah from a typical residence. The same Mishna rules that one may not sleep under a four handbreadth wide beam placed on top of the sukkah. The concern is that the experience of sleeping under the skhakh not be the same as sleeping under the solid cover of a house.

Tannaitic sources do not specify what should be used as skhakh.\(^{109}\) We noted that the Sifra permits skhakh “of any substance,” meaning any type of vegetation, not only the four species.\(^{110}\) The examples cited in tannaitic sources reveal that a wide variety of vegetation was used. Skhakh normally came from cut foliage, such as straw, wood and brushwood (m1:5); vines, gourds and ivy (once cut down; m1:4); sheaves of grain, stalks of flax, reeds and spears (t1:4-6); fiber ropes\(^{111}\) or bundles

\(^{107}\) m1:4. The law also appears in Sifre Deut. §140 (194). BSuk 11b interprets the Sifre to disagree with the Mishna. But this reading is by no means necessary. The Sifre has simply quoted the first portion of the Mishna and attached it to a prooftext. Cf. Halivni, Meqorot, 4:171-72. Plutarch relates that Jews build booths of vines and ivy (see Chapter 2, X). A type of vine provided shade for Jonah in his sukkah, Jonah 4:6-7.

\(^{108}\) Cf. the baraitot, t1:7, b14a-b and b14b. This explanation follows Rav, b14a and y1:7, 52b. Shmuel, b14a, limits the disagreement to boards between three and four handbreadths in width. Narrower beams are considered mere sticks, hence fit for skhakh, while larger beams are considered “places” in and of themselves, and resemble the ceiling of a house. The tannaim debate widths between three and four handbreadths: R. Meir worries that these too resemble a typical ceiling, while R. Yehuda does not. R. Yohanan offers a different explanation for the debate in y1:7, 52b. There the disagreement concerns beams planed down for use in building. In this case the debate concerns the question of impurity, since such beams are subject to impurity according to some opinions.

\(^{109}\) The only exception is R. Yehuda who maintains that the skhakh may only come from the four species used in the lulav. The amoraim provide several definitions, BSuk 11b-12a.

\(^{110}\) P. 205.

\(^{111}\) There are two manuscript versions of t1:4; one permits ropes and one prohibits them. y1:4, 52b cites both variants and explains, “He who permits, deals with ropes of fiber. He who prohibits deals with ropes of flax.” Fiber ropes retain their natural form, hence they are not defined as vessels, and not susceptible to impurity. Flax, however, loses its natural form during the process by which it becomes rope. See TK, 4:837.
of stubble (t:1:4),\textsuperscript{112} and, in general, the type of foliage that would drop leaves (m:1:3).\textsuperscript{113}

These laws and examples yield the following generalizations. Skhakh must be a natural, vegetable product.\textsuperscript{114} It may no longer be living or attached to the ground. It may not be subject to impurity. Nor may it consist of the types of beams that typically form the ceilings of houses. Thus tannaitic law defined and standardized the common practice of covering sukkot with miscellaneous foliage and thereby created a ritual object, the skhakh. An attempt to gain further insight into the nature of skhakh from an anthropological approach is worthwhile. Skhakh appears to mediate between polarities. Skhakh is, in a way, both living and dead: living, because it derived from living vegetation; dead, because it no longer grows in the soil. That skhakh may not be subject to impurity rules out food and kelim — vessels, utensils and clothing. Vessels are the elements of culture.\textsuperscript{115} Food is also a cultural entity, distinguished from the mass of vegetation in that it is designated for human consumption. While skhakh must provide shade, the shade is generally not solid enough to prevent the sun, and perhaps

\textsuperscript{112}פָּקֵדָשׁ הָעָרֶרֶרֶר שְׁמֵרֶר מַקְּפֶּתֶּר פָּקֵדָשׁ in tannaitic sources refers to hay, fenugrec, stubble or other such food for animals. See mShab 7:4, 24:2; tMa 2:20, tDem 1:21, tBM 8:4, tMe 1:22; Sifra Qedoshim 3:7 (88b). In tShev 2: 13 'amir refers to a pile of grain (geren; see TK, 2:508). 'Amir may be used for skhakh since it is not human food, hence not subject to impurity.

\textsuperscript{113}tKel BM 3:3 discusses the purity of shears used to cut “skhakh.” Lieberman comments to Hesdai David (ad loc., p. 92) that it was customary to cut off light branches with shears to use as skhakh for the sukkah. However the skhakh here may simply be the overhanging branches of trees pruned for other reasons. See n. 85.

\textsuperscript{114}The only example of non-vegetable material permitted appears in t:1:6 where R. Yose b. R. Yehuda rules that worn out garments may be used for skhakh. Garments are subject to impurity until they have worn out and are no longer fit for human use — i.e., they are no longer “garments.” This ruling does not seem to be universally agreed upon. It does not appear in the Mishna and appears in the Tosefta as an individual opinion. And MS London reads “worn out garments are invalid.” In bSuk 15b-16a R. Aba bar Taviomi rules that worn out garments may not be used as skhakh. See TK, 4:839. It is possible that the garments came from flax or other vegetable products.

\textsuperscript{115}“Ropes of fiber” and certain mats are possible exceptions to the prohibition against kelim. However, as Maimonides explains, the natural form of the fiber remains intact, hence they are not considered vessels (MT, Laws of Sukka 5:4; TK, 4:837. Concerning the “of fiber” see above, n. 111.) The mats were apparently “made” for use as skhakh, hence they are not considered vessels intended for normal use; mats made for sleeping would be subject to impurity and unfit for skhakh. Krauss, Qadmoniot, 1:230, sensed this implied prohibition against using vessels for skhakh. He writes concerning the mat, “this is an exceptional case among the articles listed (for use as skhakh), for it is a fruit of human labor.”
other celestial bodies, from being seen.\textsuperscript{116} In structuralist terminology, skhakh mediates between the polarities of life/death, nature/culture and outside/inside. At the time of the autumn harvest, when crops were collected from the field to supply food for the coming year, when the onset of the rainy season and the equinox marked the beginning of the transition from summer to winter, and when, after the harvest, the seasonal work in the fields was completed and winter lodgings occupied, these polarities would be felt most poignantly.

\section*{V. Skhakh: The Essence of the Sukka}

The tannaim carefully regulated skhakh in several other ways that demonstrate they considered skhakh the essence of the sukka. Skhakh had to be placed with the intention that it serve as the roofing for a sukka. Bundles of straw, wood and twigs are not fit for skhakh, since they are generally left on the roof in order to dry out, not with the specific intention that they be used as skhakh.\textsuperscript{117} The same reason apparently explains m1:8, "If one hollows out [a space] in a stack of grain to make a sukka therein, it is no sukka."\textsuperscript{118} The skhakh, formed by the grain that remains at the top of the cavity, results from the hollowing out process, not from a deliberate act of placement. This principle is first spelled out in a baraita attributed to R. Hiyya:

\begin{quote}
"You shall make \textit{(the Festival of Sukkot for seven days)} (Deut 16:13). And not from what has been made."
\end{quote}

That is, the skhakh must be "made" specifically for the sukka,

\textsuperscript{116} Although in such cases the sukka is fit. See m2:2 and above, p. 208.
\textsuperscript{117}\textit{Midrash Tannaim, 94; bSuk 12b.}
\textsuperscript{118}\textit{Midrash Tannaim, 94; ySuk 1:8, 52c, according to R. Hiyya. A baraita, b16a, permits such a sukka, but BT interprets this baraita to pertain to a case mentioned by R. Huna, where there had been a space of a handbreadth prior to the hollowing out. In this case we assume the initial space was formed by the placement of the grain, and the placing was done with the intention that it serve as skhakh.}
\textsuperscript{119} That is, the skhakh must be "made" specifically for the sukka,
and not result from materials already in place. Despite this late documentation of the formulation of the principle, the idea itself appears to be much older, probably dating to the time of the Houses. In the debate of m1:7, recall that the House of Hillel (according to R. Yehuda) permitted beams of an ordinary roof to serve as skhakh once they had been loosened. Although the appearance of the roof does not change much, if at all, the act of loosening serves to (re-)place the beams with the intention that they serve as skhakh. A debate of the Houses to be examined below over the "old" sukka is essentially a question of whether the entire sukka must be built with the intention that it serve as a festival booth.\(^{120}\) This serves as further evidence that intention was an important consideration in the time of the Houses.

The importance of intention in the Mishna has been stressed by both Jacob Neusner and Howard Eilberg-Schwartz.\(^{121}\) Intention often determines whether an act has been completed, or how a situation should be construed, or the status of an object. Ritual acts performed with intention are often valid while those performed without intention (or with the incorrect intention) are frequently invalid. The requirement that skhakh be placed with intention, then, coheres with a general characteristic of tannaitic law, for which Neusner has provided a philosophical interpretation and Eilberg-Schwartz an anthropological explanation. While both approaches may be applied to the skhakh, there are specific reasons why intention should be a factor here. Sukkot were used for many other purposes,\(^{122}\) and, in theory, by inhabiting any such sukka the biblical commandment to stay in sukko t could be fulfilled. The tannaim wished to avoid this possibility. There is a substantial difference between taking up residence in a sukka used throughout the year to store

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\(^{120}\) See below, p. 218. Intention also determines the law in the debates of the Houses in mAh 7:3 and mBM 3:12, and in the baraita, bQid 42b. B.S. Jackson, "Liability for Mere Intention in Early Jewish Law," Essays in Jewish and Comparative Legal History (Leiden: Brill, 1975), 202-34 shows that intention and other mental processes determined liability in biblical, post-biblical and ancient law. See also S. Belkin, The Alexandrian Halakah in Apologetic Literature of the First Century C.E. (Philadelphia, 1936), 57-62, who cites among other examples the bold statement of Josephus, CA, 2:215-17: "As for doing wrong to one's parents or of impiety against God, even if he (only) intends (to do so), he shall immediately die."

\(^{121}\) Neusner, Judaism, 271-81; H. Eilberg-Schwartz, The Human Will in Judaism: The Mishnah's Philosophy of Intention (Atlanta, Georgia: Scholars Press, 1986). The issue also appears in the rabbinic debates of whether the commandments require proper intention; see bPes 114b and parallels.

\(^{122}\) See n. 136.
animal fodder or to house chickens, and moving into a sukkah constructed specifically for the celebration of the festival. Subjectively the experiences are different. In the second case the sukkah feels sacred, holy, set aside for a higher purpose. It lacks the mundane associations of a typical booth used for ordinary functions. We shall see that throughout the tannaitic period one school of thought indeed required that the entire sukkah be built for the sake of the festival. A second school of thought, however, ruled that any sukkah could be used. But all agreed that the roofing had to be placed with the intention that it serve as skhakh, for the covering of festival sukkah. The experience of building “for the sake of the festival,” in other words, was “concentrated” in the skhakh.123 And there is a certain logic to this: many sukkah and shelters probably had rudimentary walls or lacked walls completely, consisting of roofings suspended on posts. It was therefore the roofing, the skhakh, that was considered the “essence” of the sukkah,124 and the demand for intention focused there. Thus the fact that many types of sukkah were used explains the necessity of intention for skhakh. The law is not simply another example of a ritual act requiring proper intention, as with performing a sacrifice or tying the fringes of a garment. The law ensures that the festival sukkah is for the sake of the festival, not for any other purpose, and distinguishes it from other types of sukkah. In this way, the demand for intention enhances the religious experience of building and residing in a sukkah.

Another law that underscores the centrality of skhakh rules that skhakh “that extends from the sukkah is considered like the sukkah” (t2:3).125 The exact intention of this law is unclear, but the general sense

123In fact, this law probably explains the opinion of those that ruled that any booth could be used for the festival. Since the skhakh would be placed “for the sake of the festival,” they felt the festival booth was adequately distinguished from its mundane counterparts and procured a measure of sanctity.

124This is expressed nicely by Tosafot, b2a, s.v. ki: “…granted that we do not worry about the walls, whether one makes them permanent, nevertheless, with the skhakh – because the essence of the [term] ‘sukkah’ is on account of [its having] skhakh – it is not fit…” And see Rashi, b8b, s.v. ‘amar: “even if we do not require a sukkah be built for the sake of the festival, we require [that a sukkah be built] for the sake of a sukkah, and it is called a sukkah on account of the shade, since it provides shelter (mesukakh) from the heat.” Krauss, Qadmoniot, 1:228 and n. 2 notes that the Aramaic terms for the sukkah (matla, metalalta, etc.) derive from the root TLL (= Hebrew $LL), which points to the centrality of shade. Of course sukka and skhakh derive from the same Hebrew root.

125Skhakh in this law is called waste-matter (psal), a term that derives from the common practice of collecting skhakh from unwanted and leftover foliage. Thus the midrash-halakha in b12a claims that skhakh derives “from the waste matter (psolet) of the threshing-floor and winepress.” The same term appears in baraitot of 14b and 18a.
is that the area under skhakh which extends over the walls on the "outside" of the sukka has the same status as the area within the walls.126 The skhakh can therefore confer "sukka-ness" on areas beyond the interior of the sukka. Residing under the shade of the skhakh confers the essential experience of the sukka.

The importance of skhakh can be seen from a series of tannaitic laws that govern its quantity, placement and relationship to the inhabitant of the sukka. There must be enough skhakh to produce more shade than sun within the sukka.127 If substances unfit for skhakh are placed on the roof along with fit skhakh, the fit skhakh must equal or better the amount of unfit material (m1:4, 1:7-8, t1:7). There may not be large gaps in the skhakh.128 There can be no empty separation greater than three handbreadths between the skhakh and the walls. However, skhakh may be separated from the walls by up to four cubits if a solid substance such as bricks surrounds the skhakh.129 These laws reveal the *raison d'etre* of skhakh – to provide shade. Skhakh does not merely possess symbolic value but serves a functional purpose. If the skhakh is so sparse that it does not produce sufficient shade, or if other substances form a covering such that the skhakh does not produce shade, the sukka is invalid.

The relationships between the skhakh and the sky and between the resident of the sukka and the skhakh also illustrate this point. The sukka must be directly under the sky and the resident directly under the skhakh. Therefore a sukka within a house or under the branches of trees is invalid.130 If one sukka has been built on top of another, the Mishna permits the upper sukka and disqualifies the lower.131 A sheet spread

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126 Babylonian amoraim offer five different interpretations, b19a. Cf. y1:1, 52b and TK, 4:852-53.
127 m1:1 rules that a sukka with more sun than shade is invalid. t1:2 explains that the Mishna refers to the roof. There must be skhakh sufficient to provide more shade than sunlight, but if the walls allow more sun than shade, the sukka is still fit. Cf. m2:2. Only R. Yoshia rules that the walls must provide more shade than sun, bSuk 7b. See below, p. 224.
128 A baraita, b14b, disqualifies skhakh with gaps large enough for a goat to fit through. In b17a the amoraim rule that an air-space of three handbreadths invalidates the skhakh (so y1:10, 52c). The rishonim claim the space large enough for a kid to fit through amounts to three handbreadths. See Ritba to b14b, s.v. *leima*. (Some rishonim, however, interpret the baraita to forbid a gap in the walls, not in the skhakh.)
129 m1:10; baraita, y1:10, 52c.
130 m1:2; *Sifra 'Emor* 17:4 (102d); baraita, b9b.
131 m1:2; *Sifra 'Emor* 17:4 (102d). R. Yehuda, however, rules that the lower sukka is fit if the upper one is not inhabited. He reasons that a sukka without occupants does not constitute an abode, hence it does not interpose between the lower sukka and the sky. In some versions of the Mishna R. Yehuda rules "even the
above the four posts of a bed interposes between the occupant and the skhakh, hence one may not sleep in such a state. The same principle governs the debate between R. Yehuda and the sages whether one can sleep under a bed in the sukkah. The sages view the bed as a structure in its own right, hence it interposes between the skhakh and the person sleeping beneath. R. Yehuda does not view the bed as a separation between the occupant and the skhakh. These laws indicate that the tannaim considered dwelling in the shade of the skhakh the essence of the ritual. Skhakh was meant to create a specific experience that entailed a direct sense of the foliage overhead and the sky beyond, a sense of being in the shade of the skhakh. When objects interposed between the resident and the skhakh or the skhakh and the sky, then the skhakh did not produce the requisite experience of shade. Recall that the Sifra interpreted the term sukkah in Neh 8:15 to refer exclusively to skhakh. For the tannaim "sukkah" and "skhakh" were almost synonymous; to perform the ritual of the sukkah was to experience the skhakh directly. We will consider the nature and meaning of that experience in the discussion of aggadic material in the following chapter.

VI. The Sukkah

Although the tannaim considered the skhakh the essence of the sukkah, they were interested in other structural aspects as well. As with other biblical commandments, they explored and defined the legal contours with great precision. Scripture had commanded that each Israelite dwell in a sukkah; in order to comply with the commandment, precisely what constituted a sukkah had to be determined. Several issues required elucidation: out of what materials could sukkot be made? lower is fit." See b9b-10a; y1:2, 52b; Fox, Succah, 8-9 and the citations there; Halivni, Meqorot, 4:168.

132m1:3. See the series of baraitot, b10b-11a, concerning various types of beds and canopies.

133See m2:1. Lieberman, TK, 4:846, 852 explains that according to R. Yehuda the bed was made to sleep upon, not to cover anything below it. Hence it is not viewed as a separation. A series of baraitot in b10b considers different types of beds. The baraita of b21b attributes the prohibition of sleeping under a bed to Rabban Gamaliel. In t1:11 R. Yose b. R. Yehuda in the name of R. Yose rules that "he who sleeps under a wagon is like he who sleeps under a bed." Again the question is whether the floor of the wagon interposes between the sleeper and the skhakh that has been placed above, presumably across the sides of the wagon. See too the baraita about sheets hung for decoration, ySuk 1:3, 52b, the amoraic comments and the parallel in b10a. Note that t1:7 rules that fruits, nuts and wreaths hung from the roof of the sukkah do not invalidate that skhakh. These objects are hung for decorative purposes, so they are not considered separations or unfit skhakh.
Could sukkot be constructed in any shape – square, round, triangular, tent-like? How many walls did a sukkah require? What were the maximum and minimum heights and sizes of the sukkah?

Extra-rabbinic sources provide little information on these issues. Philo and Josephus transmit the commandment to reside in sukkot (skênaî) without any indication of the type, size or shape of the structure. Both allude to shelter as a reason for the commandment: Josephus appeals to the need for protection from the cold while Philo contrasts the protection of the sukkah with the exposure of denuded fields. 134 These reasons suggest that in the conception of these authors festival sukkah were solid structures, rather than open-faced sheds or lean-tos. The Temple Scroll is the only source which provides more detail, prescribing the height of the sukkah of the utopian temple as eight cubits. 135 Rabbinic traditions, in contrast, contain detailed legislation concerning dimensions, size and structure.

More fundamental than these matters of definition was a basic conceptual question concerning the nature of the festival sukkah. Did the Bible obligate one to dwell in a sukkah on the festival or in a festival sukkah? In other words, did one have to build a new, unused sukkah specifically for the festival? Booths, after all, were common structures, used for storage, shelter, the protection of guards in the fields, and many other purposes. 136 Did these shelters qualify as festival sukkah in which one could fulfill the biblical commandment (assuming they were covered with the requisite skhakh)? Or did mundane use disqualify them from ritual use? Lev 23:42 directs that the Israelite reside in a sukkah, not that a special sukkah be built anew: “You shall dwell in sukkah for seven days.” Thus Israelites are commanded to dwell in sukkah, not to build them. However, Neh 8 reports that the people rush out to make sukkot. Their building activity can be seen as mere necessity – there happened to be no available sukkah at that time. It can be understood, however, as a ritual in its own right and an indispensable element of the observance of the festival. The Bible, then, was ambiguous. We have seen that the Temple

134 Philo, Special Laws 2:205-208; Josephus, AJ 3:244-47; see Chapter 2, VI and VIII.
135 Col. 42:10-17; Yadin, Temple, 2:179-80. See Chapter 2, V.
136 Krauss, Qadmoniot, 1:234-35 counts twelve types of sukkah mentioned in rabbinic literature: 1) the festival sukkah, 2) an ordinary sukkah used for miscellaneous purposes (mBes 4:2), 3) sukkah of gentiles (this and the following are found in baraitot, bSuk 8b), 4) sukkah of women, 5) sukkah of cattle, 6) sukkah of Samaritans, 7) sukkah of shepherds, 8) sukkah of guards of drying fruits (παπατάς; see Rashi, ad loc.), 9) sukkah of burgnin (city guards; see Krauss, 1:38), 10) sukkah of guards of orchards, 11) sukkah of artisans, 12) sukkah of Genasar (Sea of Galilee, mMa 3:7).
Scroll mandates that sukkot be built anew each year, although the beams and columns upon which the covering rested were permanent fixtures.\textsuperscript{137}

We have returned, then, to the question of intention and the commandments, an issue encountered in the discussion of the skhakh. Foliage does not count as skhakh unless placed upon the sukkah with that intention in mind. Did a similar principle apply to the sukkah?

This fundamental question seems to have been debated throughout the tannaitic period. The Houses first debate this issue in mSuk 1:1:

\begin{itemize}
\item \textbf{[A]} An old sukkah: The House of Shammai declares it invalid. And the House of Hillel declares it valid.
\item \textbf{[B]} And what is deemed an old sukkah? Any that one made thirty days before the Festival.
\item \textbf{[C]} But\textsuperscript{138} if one made it for the sake of the festival, even from the beginning of the year, it is valid.
\end{itemize}

The House of Shammai rules that a sukkah must be constructed specifically for the festival. Thus the sukkah must be built either within thirty days of Sukkot [B], the presumption being that the builder intended it for festival use, or it must be built specifically with that intention in mind [C]. The House of Hillel allows any booth to be used.\textsuperscript{139}

\textit{bSuk} 9a provides a midrash-halakha, similar to the midrash

\textsuperscript{137}Col. 42:10-17; Yadin, Temple, 2:179-80. See Chapter 2, V.
\textsuperscript{138}Some MSS have "and."
\textsuperscript{139}On the structure of this Mishna, see Burgansky, Sukka, 88-98. This explanation reads the Mishna as a unified whole. However, it may be the case that B and C were added at a later time to A, the original disagreement of the Houses. B gives a temporal definition of the term "old sukkah," which limits the disagreement to sukkah built more than thirty days before the festival. C can be understood independently of B, defining the term "old sukkah" in terms of the purpose for which the sukkah was built. Accordingly, a sukkah built even one day before sukkot, but not for the sake of the festival, is unfit. A sukkah built long before the festival, even "at the beginning of the year," is valid if built for the sake of the festival. Thus B and C, read independently of each other, offer different definitions of an "old sukkah." If read in light of C, the thirty days of B function as an indication of purpose: we assume a sukkah built within thirty days of Sukkot was built for its sake. As a whole, then, B and C frame the essential disagreement in terms of whether the sukkah was made for the sake of the festival. If they are comments appended by later authorities, then the original dispute of the Houses may be other than as understood and construed by these appended clauses. Without B and C, for example, we might explain A as follows: The House of Shammai requires that a new sukkah be built every year for the festival. The House of Hillel allows last year's sukkah (the "old" sukkah) to be reused. In this case both Houses agree the sukkah must be built for the festival; the question is whether the sukkah must be built exclusively for the upcoming Sukkot celebration. This explanation could be modified slightly and serve to explain A and B without C, and many other explanations could be given. But this is all speculation. In the absence of any countervailing evidence, I assume C gives the correct
requiring skhakh be “made” for the festival, to supply scriptural support for the House of Shammai: “You shall make the Festival of Sukkot for seven days (Deut 16:13). We require a sukka made for the sake of the festival.”

This midrash derives from the anonymous talmudic editors (the stammaim), and cannot be attributed to the House of Shammai. But the principle of the midrash – that a sukka must be built for the festival – accurately expresses the Shammaite position.

The provision at [C] pertains exclusively to the House of Shammai, which may indicate that the compiler of the Mishna rules in accordance with their view. Indeed, this seems to be the opinion of most tannaitic sources. Sifre Deut. §140 (194) cites the Shammaite ruling anonymously, which creates the impression that the editor of the Sifre held this position to be the accepted law.

So too t1:4 follows the position of the House of Shammai, ruling that the sukkot of shepherds and of field workers, and a stolen sukka, are invalid. The sukko t of shepherds and field workers were constructed in order to provide shelter in the fields and pastures, not for the festival. The thief did not make the stolen sukka at all, so we cannot consider it made for the festival. We even find the Shammaite view explicitly stated in Targum Pseudo-Jonathan to Lev 23:42. Among the copious halakhic additions in the targum appears the instruction to dwell in a “sukka made for the sake of the festival.”

The baraitot of the talmuds modified the Shammaite preference of the Mishna, Tosefta and Sifre in favor of the Hillelrite position. t1:4 appears in somewhat different form in the talmuds: b8b contains two baraitot corresponding to the Toseftan baraita:

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interpretation of the disagreement. For those who believe C is a later gloss that reinterprets the Houses’ debate, then the subject of the ensuing discussion is not “the House of Shammai” but “an anonymous tanna who construed the ruling of the House of Shammai” in this way.

Above, p. 212. The sugya advances two halakhic midrashim for the House of Shammai. This one interprets Deut 16:13, while the other expounds Lev 23:34. In some manuscripts the verses quoted are interchanged. See DQS ad loc.

Cf. L. Finkelstein, “Influences of the House of Shammai on Sifre Deuteronomy,” Sefer ‘Asaf, eds. U. Cassuto et al. (Jerusalem, 1943), 415 (Hebrew) and S. Lieberman’s notes there, pp. 424-26. Finkelstein fails to recognize that the editor was simply citing the accepted halakha of his time. He was not influenced specifically by the House of Shammai. For literature on the issue of tannaitic law in accord with Shammaite rulings and other examples, see Sussmann, MMT, 72 n. 237. This case is hardly exceptional.

The stolen sukka appears in the baraitot in b31a, y3:1, 53c. These baraitot, and the ensuing discussion in the talmuds, disqualify the stolen sukka for different reasons, and permit certain types of stolen sukkot.
A sukka of GNB"K: A sukka of gentiles, a sukka of women, a sukka of cattle, a sukka of Samaritans, a sukka of any type, is valid, as long as it is covered with skhakh according to the law.

A sukka of RQB"S: A sukka of shepherds, a sukka of guards of drying fruit, a sukka of city guards, a sukka of guards of orchards, is valid, as long as it is covered with skhakh according to the law.

The baraita appears in the y1:1, 52b as follows:

The sukka of shepherds and the sukka of craftsmen are fit. The sukka of Samaritans: if it was made according to the law, it is fit. If made not according to the law, it is unfit.

The three baraitot basically follow the opinion of the House of Hillel. Sukkot "of any type," including those made to serve the needs of various groups or occupations, are generally acceptable. Although these sukkot were not constructed for the sake of the festival, but for other purposes, they are nevertheless valid. Because the sukko ket were not built with considerations of the festival in mind, there is some likelihood that they do not conform to the requirements of the festival sukka. The BT baraitot warn that the sukkot must have the requisite skhakh, while the PT baraita cautions that the sukka of Samaritans must be built according to law. Particular care was required since Samaritan booths would not necessarily conform to rabbinic specifications.

Other baraitot seem to compromise between the rulings of the Houses. A baraita in y1:1, 52b comments on the Hillelite opinion in the

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144 GNB"K is a mnemonic for the four sukkot listed: Goyim (gentiles), Nashim (women), Behemot (cattle), Kutim (Samaritans). Similarly RQB"S stands for: Roim (shepherds), Qaisim (guards of drying fruit [Rashi]), Burgnin (city guards), Shomrei peirot (guards of orchards).

145 For some discussion of the realia of these sukkot, see Krauss, Qadmoniot, 1:234-35. On sukkot in the fields see Isa 1:8; mKil 5:3 (shomera). On sukkot for animals, see Gen 33:17; Dalman, AuS, 6:61. Halivni, Meqorot, 4:167 suggests that the two baraitot derived from a single source which subsequently splintered.

146 The provision "as long as it is covered with skhakh according to the law" is problematic. Even if a suka was made by a Jew for the sake of the festival, the suka would be fit only "as long as it is covered with skhakh according to the law." Cf. Rashi, bSuk 8b, s.v. mai. But the provision is simply meant as a warning to check punctiliously in these cases. Halivni, Meqorot, 4:166-67 notes that the provision serves as "good advice," to check whether these sukkot are properly covered with skhakh and warns one not to assume that they were made according to law. See too Burgansky, Sukka, 97. A similar provision, "if they were made according to the law, they are fit, but if made not in according to law, they are unfit" occurs in a baraita, y1:1, 52a. The amoraim explain the baraita as a comment to the law specifying that two walls must be four by four handbreadths in size and the third at least one square handbreadth. The point is that the walls must be facing each other, not split apart in different directions. Thus this sort of cautionary advice is not unprecedented.
Mishna that: “One must make new (lehadesh) part of it.” The baraita accepts that opinion as law, but adds a proviso: a sukkah not made for the festival is fit only if one builds anew, modifies or touches up part of it. This minimal act of rebuilding indicates symbolically that the sukkah has been “made” for the sake of the festival. The Shammaite position essentially has been concentrated in a symbolic act, a type of ritual metonymy, whereby part of the sukkah stands for the whole.\(^{147}\)

A sustained interest in the dimensions and structural requirements of a sukkah continued throughout tannaitic times. Already the Houses of Hillel and Shammai debate the minimum size of the sukkah (m2:7). The House of Hillel rules that a sukkah must be large enough to contain one’s head and the majority of one’s body. In this case one is considered “in” the sukkah. The House of Shammai requires that the sukkah be large enough to contain a table as well.\(^{148}\) R. Yehuda Hanasi rules that the

\(^{147}\)A baraita in b8b modifies the Hillelite position in a different manner. Attributed to R. Levi in the name of R. Meir, the baraita rules that in the case of two sukkot of craftsmen, one built within the other, the outer sukkah is fit, the inner sukkah is unfit. Consistent with the Hillelite position, the outer sukkah is fit despite the fact that it is used throughout the year as a gallery for the craftsman’s wares. The reason the inner sukkah is unfit relates to the other datum of the baraita, that the inner sukkah requires a mezuzah, indicating that it is a habitation in its own right. Cf. Rashi, s.v. penimit and tMa 2:21. But this should not matter. If a sukkah need not be built specifically for the festival, of what relevance is the fact that it forms the living quarters of the craftsman throughout the year? Thus Ritba, ad loc., (78): “Some raise the following difficulty: why is it not a sukkah? As long as it is covered with skhakh according to the law, and we do not require that the sukkah be made for the sake of the festival?” Rashi here suggests that one cannot “recognize” that the craftsman occupies the booth for the sake of the festival. And that is the crux. The baraita does not totally forgo the principle that a festival booth must be for the sake of the festival. However it has shifted the gauge of what makes a sukkah ‘for’ the festival from the intention of the builder to the public recognition of the purpose served by the sukkah. Because the craftsman lives in his sukkah throughout the year, there is no indication that on Sukkot he inhabits the sukkah specifically for the sake of the festival. The outer sukkah, however, does not typically serve as a dwelling. If the craftsman moves in there, he clearly indicates that it serves as a festival sukkah. Thus the question of building a sukkah for the sake of the festival remained an issue throughout the tannaitic period and in later times. The Babylonian amoraim accepted the Hillelite ruling unquestionably. But some medieval jurists were influenced by PT and ruled that some part of the sukkah should be “renewed” on an annual basis.

\(^{148}\)The formulation of the Mishnah is ambiguous, and may be interpreted to refer to the person, not the sukkah. One who situates himself such that his head, body or table is outside the sukkah, even in the case of a large sukkah, has not fulfilled his obligation. bSuk 3a emends the Mishnah such that it governs both the sukkah and the person, whether the sukkah is too small to contain the table or one perches himself at the border of a large sukkah with his table outside. The original Mishnah dealt only with the case of a small sukkah. See Halivni, Meqorot, 4:155. Cf.
minimum size of a sukkah is four by four cubits (t2:2). The maximum acceptable height of a sukkah was debated by the students of R. Akiba. The sages set the maximum height of the sukkah at twenty cubits. R. Yehuda demurs, and seems to have no maximum height. An unattributed Mishna sets the minimum height of the sukkah at ten handbreadths, and the Tosefta adds that even a bed or tree ten handbreadths tall may serve as a valid sukkah provided it has the requisite skhak (m1:1, t1:3).

A dispute from the Yavnean stratum considers a tent-like sukkah and a sukkah that is propped up against the wall in the form of a lean-to (m1:11). R. Eliezer invalidates a structure of this type since "it has no roof." The sages, however, permit it. In t1:10, R. Eliezer concedes that if such a sukkah has a roof of at least one handbreadth, or was raised from the ground by one handbreadth, it is valid. In these cases one can distinguish the walls from the roof. Deliberations on structure are also found among later authorities. A round sukkah is disqualified on the grounds that it has no corners. R. Yehuda rules that a sukkah must be able to stand on its own, while an unattributed opinion allows the sukkah to be propped up beside the legs of a bed. An unattributed Mishna permits a sukkah placed on top of a wagon, ship, tree or camel.

Epstein, *MLH*, 631. The rishonim conclude this minimum size amounts to seven handbreadths. The opinions of the Houses also appear in baraitot of b3a. The opinion of the House of Hillel is attributed to the sages in t2:2. That of the House of Shammai appears in the unattributed baraita of b14b.

See the previous note. R. Yehuda Hanasi avoided a contradiction between his own position and those of the Houses in m2:7 by shifting the Houses dispute to the case of a person sitting below the edge of a large sukkah. He would claim that both Houses agree with his position concerning the minimum size of the sukkah. In t2:2, however, the sages disagree with R. Yehuda Hanasi, claiming a sukkah is valid as long as it contains one’s head and the greater part of the body. The sages in the Tosefta correspond with the House of Hillel in the Mishna.

In the parallel baraita in b2b, R. Yehuda limits the maximum height to forty or fifty cubits. The baraita of R. Hiyya in y1:1, 51c preserves the same tradition. See *TK*, 4:835.

On the different interpretations of these laws see *TK*, 4:844-45. Rav Yosef in b19b claims that this Mishna was transmitted by R. Natan. The sages, however, reverse the attribution of the opinions of R. Eliezer and his anonymous disputants such that R. Eliezer permits such sukkot while his opponents disqualify them. PT makes no such claim.

Baraita, b7b.

In both y2:2, 52d and b21b a second reason is considered for R. Yehuda’s position: that one may not put skhakh on an object that is subject to impurity. The PT rejects this reason. See *TK*, 4:851.

In a baraita, b23a, R. Yehuda prohibits a sukkah built on top of an animal, while R. Meir permits it.
The fourth tannaitic generation systematically considered laws relating to the walls of the sukkah. The students of R. Akiba debated the number of walls a sukkah required.⁴¹⁵ The majority rule that a sukkah must have two proper walls and a third wall of at least one handbreadth. R. Shimon requires three proper walls, and a fourth of at least one handbreadth. An unattributed opinion in m1:1 requires three walls and makes no mention of the handbreadth. R. Yaakov rules that four posts qualify as walls, provided they are of sufficient circumference that were they straightened out, they would cover an area of one handbreadth.⁴¹⁶ An unattributed baraita, yl:1, 51c, permits four reed-posts but makes no specification as to their width.⁴¹⁷ A minimalist position is attributed to the Men of Jerusalem, who are reported to have hung their beds out of the windows and placed skhakh above them, apparently dismissing the need for walls (t2:3).⁴¹⁸ The dimensions of the walls were debated too. m1:9 rules that a wall must be ten handbreadths high, measured from the ground. R. Yose permits a ten-handbreadth wall that descends from the roof, while the sages forbid it.⁴¹⁹ A baraita in b7a allows a wall to be constructed from reed posts, provided they are not separated from each other by more than three handbreadths, even if the net empty space is greater than the amount of wall.

Unlike the skhakh, few laws govern the materials from which the walls may be made.⁴²⁰ Trees may function as walls, and even human beings may be counted as the third wall (m2:3, t1:8). R. Meir and R. Yehuda disagree whether an animal can form the wall of a sukkah.⁴²¹ The pillars surrounding a courtyard may be considered walls (t1:8).⁴²² After the list of materials unfit for skhakh in m1:4-5, (ivy and vines still growing in the ground, and bundles of straw or twigs) the Mishnah

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⁴¹⁵t1:12-13; see Epstein, Tannaim, 347. Fifth generation tannaim also debated the issue; t1:12, y1:1, 52a.
⁴¹⁶t1:12-13; b4b.
⁴¹⁷Qorban ha'eda ad loc. reads the baraita in terms of R. Yaakov's statement in the parallel baraita that the posts must be of a minimum circumference. This reading is based on his interpretation of the PT sugya. But other interpretations are possible; cf. Mar'eh hapanim to the parallel in yEruv 1:1, 18b. In any case the baraita requires no minimum circumference.
⁴¹⁸Unless the Tosefta considers the sides of the bed to count as walls. The Tosefta points out that the beds were ten handbreadths high, thus complying with the minimum height established in m1:1.
⁴¹⁹A baraita, b16b, rules that a mat seven handbreadths large can be considered a wall. Rashi, s.v. besukka, explains that the mat must be suspended three handbreadths from the top of the sukkah, thus forming a partition ten handbreadths in all.
⁴²⁰As noted by Büchler, Cabanes, 188 n. 1.
⁴²¹Baraita, b23a.
⁴²²So too the baraita, y1:1, 52a.
concedes "all these are fit for the walls." In fact, there appear to be no prohibitions whatsoever on materials that may be used for walls. And unlike skhakh, walls are fit even if they allow more sun than shade.\textsuperscript{163}

The paucity of legislation concerning the walls and the fact that the extant legislation is both lenient and late can be attributed to the common pattern of building shelters in antiquity. Roofings suspended on mere posts probably served as rudimentary shelters for animals, guards, workmen in the fields and many other purposes. These crude structures were inexpensive and could be erected easily. In all likelihood, the number and nature of walls varied. Many had four walls, others had two or one, and some had none. The walls probably varied in dimension as well, some reaching to the roof, others rising only a foot or two. The case debated in t1:12, "If he erected four beams and placed skhakh upon them...", seems to describe a common practice.\textsuperscript{164} Similarly, the Temple Scroll describes beams and columns fixed upon the roof of the temple upon which the sukkot were to be built annually.\textsuperscript{165} The skhakh was placed each year upon the permanent frameworks. Thus the sukkah of the Temple Scroll had no walls other than fixed columns, and parallels the Toseftan sukkah formed by placing skhakh upon posts. Perhaps the sukkah described in Neh 8 were structures of this sort. Scholars generally claim that the entirety of the Nehemian sukkah were built of foliage, the only materials mentioned. But it is just possible that the author referred only to the foliage gathered for the roof, assuming the people placed it upon four beams or a crude framework.\textsuperscript{166} Krauss describes nineteenth century Palestinian sukkah whose only walls were short partitions of brick, half a meter high, while wooden beams supported the roofing.\textsuperscript{167} Dalman too witnessed this manner of building huts in his extensive investigations.\textsuperscript{168}

At all events, the walls are not central to the tannaitic idea of the sukkah. Skhakh was the essence of the sukkah and had to conform to numerous and varied laws. Legislation governing the walls is basically limited to minimum standards: the number of walls required, the minimum height, and the maximum distances from the skhakh and the

\textsuperscript{163}t1:2. Only R. Yoshia, b7b, insists the walls supply more shade than sun.

\textsuperscript{164}Cf. the baraita, ySuk 1:1, 51c, noted above. R. Yoshia, Y.1:1, 51d, notes that the rich made the walls of their sukkot "thin" (qalil) so that cool winds could enter.

\textsuperscript{165}See n. 86.

\textsuperscript{166}This obviates the problem of interpreting "leaves of olive, leaves of wild-olive, leaves of myrtle..." (Neh 8:15) as "leaves [on branches] of olive..." Only if one assumes that the materials for constructing walls were mentioned would solid branches be needed.

\textsuperscript{167}Krauss, Qadmoniot, 1:225.

\textsuperscript{168}Dalman, AuS, 6:59-61 and illustration 15.
The Tannaitic Period: Legal and Ritual Developments

The legislation concerning skhakh, on the other hand, is far more comprehensive, and regulates not only minimum measures, but also the materials, the intention of the placement and the relationships between the skhakh, the occupant and the sky. These facts have important ramifications for the meaning of the sukka to the tannaim. The sukka was an overhead shelter that provided protection from the heat of the sun. The essential characteristic of the sukka was that it cast shade from above. To experience that shade comprised the religious experience the laws aimed to create.

When one considers the sources chronologically, a limited historical development can be discerned. Two of the three early traditions involve basic issues of definition of the sukka. The debate of the Houses over the “old” sukka is a fundamental question concerning the nature of the festival booth. The Yavnean dispute over the tent and lean-to addresses the essential conception of the configuration of the sukka, whether a structure without identifiable roof and walls can be called a “sukka” at all. The other debate of the Houses, the dispute over the minimum area of the sukka, initiates a discussion of dimensions which would continue for several generations. In the fourth generation two issues receive further attention. First, there is more debate as to minimum and maximum measurements. Now height, in addition to area, becomes an issue. Second, the nature of the walls becomes a topic of interest. Students of R. Akiba debate the minimum height and number of walls. Several unattributed mishnayot and baraitot of the talmuds pertain to the material for the walls. Since only fourth generation scholars discuss the laws regulating the walls, it is likely that these unattributed sources derive from the last generations of tannaim.

In sum, questions about the nature and structure of sukkot received attention prior to the destruction of the temple or at Yavneh, but were debated throughout the tannaitic period. The dispute over the “old” sukka continues from the Houses through the later baraitot, while the early dispute over the minimum size is still disputed by R. Yehuda Hanasi at the end of the tannaitic period. The students of R. Akiba continued the discussion, promulgating minimum and maximum dimensions. They raised the issue of the walls for the first time, and promulgated a number of rulings on this topic.

VII. Dwelling in the Sukka

Lev 23:42 commands “You shall dwell in booths seven days.” The tannaim sought to define this commandment precisely. How did one

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169R. Eliezer, who rules on the structural questions, is known for his conservative tendencies and predilection for the “old” halakha. See Gilat, Eliezer, 23-67.
fulfill the obligation to “dwell” in a sukkah? Could one ever leave the sukkah? Was everybody obligated unconditionally or were some people exempt under certain circumstances?

The biblical commandment lends itself to two interpretations. The meaning may be: “You must live in a sukkah for seven days.” That is, each Israelite is commanded to stay within a sukkah for seven days. At any given moment throughout the seven day period, an absolute obligation to be in the sukkah devolves upon the Israelite. Taken to the extreme, it would follow that an Israelite may never leave the sukkah. But the verse may also be interpreted: “You must make the sukkah your dwelling-place for seven days.” That is, for seven days you shall treat the sukkah as your home, and not regard your house as a home. The sukkah is simply a substitute house. The routine activities one ordinarily does in a house are transferred to the sukkah. How was Leviticus to be interpreted: that one must occupy the sukkah or that one must treat the sukkah as a house?

The general tannaitic understanding tended toward the second interpretation: the sukkah was considered a surrogate house. For seven days, it became the primary dwelling place. Tannaitic sources do not express this principle as abstractly as formulated above, but the idea is implicit in the following traditions:


From this they said. One eats in the sukkah. One drinks in the sukkah. One rejoices170 in the sukkah. One brings his utensils up to the sukkah. “(Sifra ‘Emor 17:5 [103a])171

All seven days one makes his sukkah regular (qeva) and his house occasional (arai).

(mSuk 2:9)

The Sifra compares dwelling in a sukkah to residing in a house: one dwells in a sukkah in the same manner as one resides in a house. The second half of the baraita derives from this interpretation the activities to be done in the sukkah, namely, the routine activities that take place in a residence. They are not specific ritual gestures like the shaking of the lulav or the sounding of the shofar. That is to say, the ritual of the sukkah consists of

170metayel. A. Mirsky, “Perushei hamefaresh lelashon hapiyyut,” Sinai 87 (1980), 221 demonstrates that the root יָם often appears in piyyutim as a synonym for “joy,” and collects numerous precedents from rabbinic literature. Here the meaning is not “travel,” but “rejoice, enjoy one’s self.” See too Jastrow, Dictionary, 523, s.v. יָם.
171bSuk 28b, y2:10, 53b.
performing everyday activities there, of spending time therein and
 treating it as a domicile. m2:9 expresses a similar idea. One “makes” or
 treats his sukkah as his “regular” residence and the house as an
 “occasional” or secondary residence. Since the house will serve as a
 residence occasionally – under circumstances defined by other tannaitic
 sources – the sukkah will not be occupied continuously. Moreover, since
 the sukkah functions in place of the house as the primary residence, there
 will be times one need not dwell in the sukkah, just as there are times one
does not stay in the house.

No explicit formula prescribes when one is exempt from staying in
the sukkah, although an implicit principle can be detected. The test is
whether, were it not Sukkot, one would normally be in the house, or
perform the act in question in one’s house. If so, then on Sukkot one
must be in the sukkah. This principle can be seen in the following
examples.

[A] Guards of the city who work by day are exempt from the sukkah
during the day, and obligated during the night.
[B] Guards of the city who work by night are exempt [from the sukkah]
during the night, and obligated during the day.
[C] Guards of the city who work day and night are exempt [from the
sukkah] both during the day and the night.
[D] Travelers are exempt from the sukkah during the day, and obligated
during the night.
[E] Guards of gardens and orchards are exempt [from the sukkah]
during the night, and obligated during the day.

(tSuk 2:3)

City guards are exempt from the sukkah when they are on duty, since they
are busy at their posts, and would not be at home. Travelers journey
throughout the day. They do not stop for shelter, but eat their meals on
the road. Hence on Sukkot they are exempt from the sukkah during the
day. At night travelers typically stay over at an inn or seek shelter at
someone’s house.172 On Sukkot, then, they are obligated to spend the

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172 One might argue that there are times when travelers sleep outside, for
example, when they cannot find shelter or do not wish to delay their journey to
search out a lodging. Therefore, they should be exempt from the sukkah at night.
The tannaim, however, take into account the norms of society. Normally
travelers seek shelter during the night. On Sukkot, then, they are obligated to
seek shelter in a sukkah. For a full discussion of societal norms and how they
affect law, see Eilberg-Schwartz, Intention, 64-91.

In bSuk 26a [= bAr 3b] the baraita appears in a more expanded form: “Travelers
by day are exempt from the sukkah during the day, but are obligated at night.
Travelers by night are exempt from the sukkah at night, but are obligated during
the day. Travelers by day and night are exempt from the sukkah during day and
night.” The explanation is straightforward.
night in a sukkah. Guards of orchards and gardens only work during the night.\textsuperscript{173} Spending the night in crude shelters out in the fields, they do not return to their homes until the next day. Therefore, on Sukkot, they are exempt from the sukkah at night.

For the tannaim, eating and sleeping comprise the two essential acts of dwelling in the sukkah. These activities are normally performed at home, so on Sukkot, by eating or sleeping in the sukkah, one demonstrates that the sukkah is one's primary residence.\textsuperscript{174} m2:4 states the principle with respect to eating: "One eats and drinks occasional (\textit{arai}) [food] outside of the sukkah." Occasional snacking is permitted outside the sukkah, just as throughout the year one might snack outside of one's house. Full meals, however, must be consumed in the sukkah, since throughout the year meals are eaten at home. The tannaim debated the maximum that may be eaten outside the sukkah. Rabban Yohanan b. Zakkai and Rabban Gamaliel insisted that a taste of cooked food, two dates and a pail of water be brought to the sukkah before they would eat,\textsuperscript{175} yet R. Sadoq ate less than the bulk of an egg outside the sukkah (m2:5). R. Yehuda Hanasi relates that he and R. Elazar b. R. Sadoq ate figs and grapes outside the sukkah when paying a visit to R. Yohanan b. Nuri (t2:2).\textsuperscript{176}

Mishna-Tosefta presupposes that one must sleep in a sukkah at night.\textsuperscript{177} m2:1 rules that "if one slept under a bed in the sukkah he has not fulfilled his obligation," which assumes an obligation to sleep in the sukkah. The Men of Jerusalem are reported to have hung their beds out the windows and covered them with skhakh, presumably because they found no room in standard sukkot (t2:3). A number of laws govern the details of how one properly sleeps in the sukkah (m1:3; t1:8, 2:2, 2:4). In one respect the matter of sleeping is more stringent than eating. A baraita rules that one may "snack" but not "nap" outside the sukkah.\textsuperscript{178} A

\begin{itemize}
\item \textsuperscript{173}In bSuk 26a the baraita exempts guards of orchards from the sukkah during both day and night. This ruling assumes the guards work during the day as well.
\item \textsuperscript{174}The place where one plans to eat serves to establish a residence for the Sabbath. See e.g. mEruv 3:1-8; 6:6-7.
\item \textsuperscript{175}See J. Neusner, \textit{A Life of Yohanan ben Zakkai}, ca. 1-80 C.E. (Leiden: Brill, 1970), 60 n. 6 for discussion of the identity of Gamaliel.
\item \textsuperscript{176}According to the sages, one is obligated to eat a meal in the sukkah only on the first night of the festival (m2:6). On subsequent days, one may fast or suffice with snacks. R. Eliezer, however, obligates one to eat two meals in the sukkah on each day of the festival. He construes the obligation to dwell in the sukkah more strictly. See below.
\item \textsuperscript{177}Sifra \textit{Emor} 17:4 (103a) provides a halakhic midrash proving the obligation to reside in a sukkah applies during the night. A different midrash is found in bSuk 43a.
\item \textsuperscript{178}b26a. The ruling is attributed to R. Elazar in y2:5, 53a.
\end{itemize}
nap may turn into an extended sleep because one may not wake after a short while even if one intends to do so. In such cases the person has slept fully. However, throughout the year sleeping takes place at home, and on Sukkot must be done in the sukka. A snack is not prone to become a full meal, because the agent is awake and aware of his actions.\textsuperscript{179}

While eating and sleeping are the primary expressions of “dwelling” in the sukka, the \textit{Sifra} cited above expressed a wider conception, encouraging one to eat, drink, rejoice and bring all his utensils into the sukka. Every act that one would normally perform in the house is now done in the sukka. The sukka completely replaces the house as the abode in which one spends one’s time. Thus the ritual experience of the sukka is of broader scope than eating and sleeping.

A comparison of several rulings of R. Eliezer with those of the sages helps to further illuminate the tannaitic conception of the commandment. A series of six baraitot in b27a-27b contain three debates between R. Eliezer and the sages and a number of other traditions of R. Eliezer. The BT seems to have preserved an early source, a collection of R. Eliezer traditions, some of which are paralleled elsewhere in tannaitic literature. The unified composition, parallels, and the fact that the rulings cohere with R. Eliezer’s general halakhic standpoint suggest that the traditions are authentic. The three disputes are as follows:

1. R. Eliezer rules that one may not go from sukka to sukka. One must spend the entire festival in the same sukka. Accordingly, R. Eliezer rules that one who has two sukkot and two wives in different places may not move from one to the other since “whoever goes from sukka to sukka negates the commandment of the first [sukka].” The sages rule that one may go from sukka to sukka.

2. R. Eliezer rules that one may not build a sukka on the intermediate days of the festival. The sages allow it.\textsuperscript{180}

3. R. Eliezer rules that one does not fulfill his obligation in a sukka that belongs to another person. Each man must reside in his own

\textsuperscript{179}This explanation coheres with that of the “Companions” (hevraya), y2:5, 53a: “A man tends to become entrenched in sleep.” Similarly R. Ashi explains in b26a: “[One is prohibited to nap] lest one fall fast asleep [and not wake from his nap.]” Other explanations are offered in both talmuds.

\textsuperscript{180}Cf. b9a. R. Eliezer concedes that if the sukka collapses, it may be rebuilt on the intermediate day (b27b). His reasoning is explained in y2:7, 53a (where the same baraita is brought.) R. Aha in the name of R. Hanina comments that R. Eliezer imposed a penalty (qenas) on one who did not build his sukka before the festival. He wished to provide additional incentive that the sukka be built at the proper time, prior to the festival. A collapsed sukka is not due to neglect of the appropriate preparation for the festival.
These rulings underscore the different conceptions of the commandment. R. Eliezer posits a continuous, seven-day obligation to dwell in the sukka. This obligation may be compared to other positive commandments such as the sounding of the shofar or shaking the lulav. One may not interrupt the performance of these commandments. Once one begins to sound the shofar, he should not stop in the middle and sound a different shofar. For R. Eliezer, once one has begun to fulfill the commandment in a particular sukka, he must not interrupt and shift to another sukka, nor leave the sukka to embark on a journey. One who neglects to build a sukka before the festival cannot build a sukka on the intermediate days because the ritual can no longer be performed for the requisite seven day period. Thus R. Eliezer is reported to have rebuked a colleague for paying him a visit on the festival; the colleague should have remained in his own sukka. Now R. Eliezer does not push this position to the extreme and completely forbid leaving the sukka. But he construes the commandment in strict terms and applies the obligation to dwell in the sukka throughout the festival. On the other hand, the majority of the tannaim, as we have seen, conceive of the sukka as a surrogate house. Throughout the year, one may visit the house of another person. On Sukkot, then, one may visit a friend. A sukka may be built on the intermediate days in order to dwell there during the rest of the festival. Granted that one who did not reside in a sukka on the first day may have transgressed, this act of omission does not affect the remaining days, for there is no autonomous, seven-day obligation that cannot now be fulfilled.

\[181\] The other traditions in the collection: 1) A procurator asks R. Eliezer whether he may eat but one meal each day in the sukka, since that is his regular custom. R. Eliezer responds that such individuals should honor God by eating two festival meals. 2) R. Eliezer rebukes a colleague for paying him a visit on the festival and rules that one should not embark on a journey on a festival. (See t2:1 and y2:5, 53a. The BT comments that the event and rebuke occurred on the Sabbath.) 3) He refuses to answer the question whether a sheet can be spread on top of the sukka to keep out the sun. 4) It is reported that once his students asked him thirty questions relating to the sukka. In a separate baraita, b31a, R. Eliezer disqualifies a stolen sukka and one who places skhakh in public places, while the rabbis rule these fit. See too n. 176.

\[182\] R. Eliezer accounts of no import the fact that the ritual of the sukka lasts a full week, as opposed to the shofar or lulav that are completed rather quickly, nor the fact that one may leave the sukka if it rains. Seven days is simply the length of the ritual. (But note the lulav ritual as reflected in the tradition of the “Men of Jerusalem.” See Chapter 3, VI text to n. 190.)

\[183\] bSuk 27b. See n. 181.
The dispute over whether one must own his sukkah is not related to this difference in conception of the commandment. The Sifre derives R. Eliezer's reason from Deut 16:13: "You shall make for yourself the Festival of Sukkot for seven days (Deut 16:13) – from your own." That is, one must own one's sukkah. The sages, with their more flexible approach to the commandment, reject this exegesis.

Two other types of exemptions reflect the rather lenient attitude of the tannaim towards the commandment. Those sent on a religious duty are exempt from residing in the sukkah (m2:4, t2:1). Engaged in one act of piety, they are not required to seek out a sukkah in which to eat and sleep. The exemption accords with a general rabbinic principle that one performing a commandment is exempt from other commandments. Yet the tannaim could have ruled that agents not be sent out on acts of piety during the festival, since this prevents them from observing the rituals. That they did not do so reflects a loose construction of the obligation. To dwell in the sukkah does not mean a complete disruption of ordinary activities.

The sick and even their attendants are exempt from the sukkah (m2:4, t2:2). We would expect the sick to be exempt, in accord with general rabbinic principles, since matters of health take precedence over ritual obligations. But the fact that attendants are also exempt is surprising. Furthermore, a baraita of b26a rules that the exemption applies equally to those who are dangerously ill and those who are not dangerously ill, and even to those who have sore eyes or headaches. Rabban Shimon b. Gamaliel relates that when he had sore eyes R. Yose exempted him and his attendants from the sukkah. Even feelings of mild discomfort which pose no threat to life are grounds for exemption from the sukkah. To contribute to the comfort of the ill person, even his attendants are exempt.

Other types of discomfort also serve as grounds for exemption from the commandment. m2:9 rules that rain annuls the obligation to dwell in the sukkah.

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184 The midrash turns on the phrase ta 'ase lakh, literally, "you shall make for yourself." It must be yours.
185 Sifre Deut. § 140 (194). Cf. b27b. The same principle grounds another debate between R. Eliezer and the sages. A baraita, b31b, reads: "A stolen sukkah or one who placed skhalakh in a public domain: R. Eliezer declares it unfit, and the sages declare it fit." For R. Eliezer the sukkah is unfit because it does not belong to the thief. See Gilat, Eliezer, 306-307. On sukkot in public domains see TBQ 6:28.
186 Although t2:1 suggests that the sages disapproved of such missions on the festivals.
187 t2:2. On R. Yose see DQS to b26a, n. 2 and Lieberman, TK, 4:850 and 1:73, n. 2.
All seven days one makes his sukkah regular (qevah) and his house occasional (arai).

If rains descend, when is he permitted to empty [the sukkah]?

When the porridge will spoil.

They made a parable. To what is the matter like? To a servant who came to mix a cup [of wine] for his master, and he poured the flagon in his face.188

This Mishnah offers a parabolic justification for leaving the sukkah when it rains. Like the master who calls for wine and then rejects it, rain indicates divine displeasure, that God no longer desires his commandment to be carried out.189 Since God does not want the sukkah to be occupied, one may return to the house. Clearly considerations of comfort motivate this law; to dwell in a sukkah when it rains is an unpleasant experience. 12:4 even rules that if the rain subsequently stops, one need not return to the sukkah until after he has finished his meal or awakened from his night’s sleep.190 This ruling eliminates the inconvenience of having to shift back to the sukkah immediately. Some tannaim apparently did not accept this leniency. A baraita, y2:10, 53b relates that R. Eliezer and R. Gamaliel were more strict about returning to the sukkah:

Just as they clear out the sukkah on account of rain, so too because of extreme heat or mosquitoes. R. Gamaliel enters and leaves all night. R. Eliezer enters and leaves all night.

R. Eliezer and R. Gamaliel considered themselves exempt from the sukkah only while the rain fell. As soon as the rain stopped the obligation to reside in the sukkah took force again. Despite the inconvenience of disrupted sleep, they returned to the sukkah.191 The importance of discomfort is also evident in the first half of the baraita. The tannaim ruled that discomfort due to extreme heat and mosquitoes, in addition to rain, is grounds for leaving the sukkah.192

188According to mTa 1:1, rain on Sukkot is a sign of a curse.
189The parable has been given various explanations, beginning already with bSuk 29a. For a survey of interpretations see P. Culbertson, "‘Who Splashed on Whom?’ Textual Equivocality and Rabbinic Exegesis," Proceedings of the Tenth World Congress of Jewish Studies C/1 (1990), 17-24.
190b29a transmits several versions of the baraita.
191See Qorban ha'eda ad loc.
192Note that the parable does not apply as neatly to these cases. In rabbinic thought God alone is responsible for rain. The same cannot be said of mosquitoes and heat. While rabbinic theology would consider God responsible for them insofar as God is provident over the entire world and all that happens, heat and mosquitoes do not immediately reflect the work of God in the same way as does rain. Yet these inconveniences are grounds enough to suspend the obligation to dwell in the sukkah.
The Tannaitic Period: Legal and Ritual Developments

The blessings for the sukkah should be considered here. The Tosefta prescribes the following blessings:

[A] When he makes a sukkah for himself he says, “Blessed [are you, Lord our God, king of the universe] who has brought us to this occasion.”

[B] When he enters to dwell in it, he says, “Blessed [are you, Lord our God, king of the universe] who has sanctified us with his commandments and commanded us to reside in the sukkah.”

[C] Once he has made a blessing for it on the first day, he no longer needs to recite a blessing.

(tBer 6:9)

It is interesting that the Tosefta formulates a blessing for making a sukkah. Lev 23:42 only commands that one dwell in a sukkah, not that one make a sukkah.193 Neh 8, however, relates that the people “went out to make sukkot, as it is written.” We have seen that sukkot constructed for other purposes are fit for the festival sukkah, at least according to some tannaitic opinions. Thus one would not necessarily build a sukkah every year. The blessing either pertains to those who do in fact build sukkot, or to the act of covering the sukkah with skhakh, as all opinions require. The version of this baraita in bSuk 46a explains more clearly: “If he found a sukkah already made and ready, if he can ‘renew’ something, he blesses, if not, when he enters to dwell therein he recites both blessings.” That is, he says both blessings [A] and [B]. In any case, this baraita groups the sukkah with the lulav, fringes, and tefillin, the objects for which blessings are prescribed when they are made (tBer 6:9-10). Reciting the blessing distinguishes the building of the sukkah as a religious obligation and sensitizes the builder to the religious significance of his act.

The Tosefta prescribes an independent blessing for the actual performance of the commandment at the point when one first enters the sukkah to “sit” or “dwell” there. [C] limits the blessing to the first day.194 That is, the blessing is recited only the first time one enters the sukkah. The talmuds explain that one only blesses the first time because one is obligated to dwell in the sukkah day and night.195 The same obligation lasts throughout the festival, hence only one blessing is appropriate. The lulav, however, may be performed only during the day. Nights interrupt the obligation. Hence each day a new obligation arises and a new

193 See the struggles of the Qaraite Aaron ben Elijah to find biblical warrant for the commandment to make a booth; Nemoy, Karaite, 178-79.
194 That is, the first night of the first day of the festival, when the first meal is eaten. Cf. yBer 3:3, 6b.
195 yBer 3:3, 6b; bSuk 45b.
blessing must be said. This amoraic explanation notwithstanding, it seems that the one blessing limit follows from the tannaitic conception of the commandment. There exists a general obligation to reside in the sukkah, to treat the sukkah as a surrogate house. But there is no independent, discrete obligation to perform a “dwelling” ritual each day in the same way as there is an obligation to take the lulav or sound the shofar. A blessing on the first night thus suffices.

To gain perspective on the general tannaitic conception of the commandment to dwell in the sukkah, let us postulate a hypothetical legal continuum. At one end of the spectrum is an absolute prohibition against residing in the house and an absolute requirement to dwell in the sukkah. Such a strict prohibition would be connected to ideas that the house was temporarily taboo, dangerous or demonic, beliefs some scholars have suggested lie behind the origin of the ritual. At the other end of the spectrum is an obligation to spend a limited period of time in the sukkah or to perform a defined ritual act therein. Having performed that act, one has fulfilled his obligation completely and could return to his normal abode. The tannaitic conception lies somewhere between these extremes. There is no taboo or absolute prohibition against residing in the house, provided the proper circumstances obtain. One need not necessarily eat meals in the sukkah. If one chooses not to eat, or to eat only occasional snacks, one need not enter the sukkah. A journey, duty or work (e.g. keeping watch) or involvement in a religious act exempts one from the sukkah. Sickness and the inconveniences of rain, mosquitoes and heat also suspend the commandment. On the other hand, no specific act or defined time exhausts the obligation. Throughout the festival all meals and sleeping should be performed in

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196 This explanation is problematic. PT raises the difficulty that one is obligated to study Torah day and night, yet a blessing is recited each morning when one commences study. So the fact that one is obligated to reside in the sukkah day and night should not preclude a new blessing each day. The talmud suggests that one cannot avoid desisting from the study of Torah (since one must sleep) but one can never desist from the sukkah (since one even sleeps in the sukkah.) But one legitimately desists from the sukkah if it rains, or if one embarks on a journey, or must stand watch, etc. B. Ratner, ‘Aḥavat siyon virushalayim (Vilna, 1901-7), 1:79 emends PT and creates a somewhat more satisfying explanation, but lacks manuscript evidence for his proposed emendation. And see L. Ginzberg, Peirushim vehidushim birushalimi (New York: Jewish Theological Seminary, 1941-61), 2:182 on Ratner’s error and on the sugya in general, which he concludes requires further investigation.

197 In b45b Shmuel rules like the Tosefta, but R. Yohanan rules that one blesses each day. Thus the present custom.

The sukka, as should all mundane activities. In contrast to the sages, R. Eliezer’s view falls closer to the stricter side of the continuum. One must occupy the same sukka for seven days, and cannot build a sukka in the middle of the festival. If R. Eliezer’s conception reflects the older halakha, as is often the case, then we have another example of legal development within tannaitic law.

VII. Conclusions

While it is difficult to document accurately the nature of the lulav and the sukka prior to the destruction of the temple, it appears that these rituals attained a fair degree of standardization. The identification of the four species took place in temple times. A ritual gesture, a type of shaking, was performed during the recitation of the Hallel Psalms. The ritual then developed significantly throughout the tannaitic period. The tannaim incorporated the lulav into the emerging rabbinic liturgy, transferring what had been a temple ritual to the synagogue service. They ruled that the six or seven-day practice of the temple should be normative in all places. They formulated a blessing for the “taking” of the lulav, thereby giving the general biblical commandment a concrete expression, and determined more precisely at what point in the recitation of the Hallel the lulav should be shaken. This represented a slight change from the temple practice, at least that of the Men of Jerusalem and perhaps other groups, who held the lulav throughout the day. For the tannaim, once one had shaken the lulav during the service, he could set it aside until the morrow. Much interest was devoted to further questions of standardization: how many of each species, minimum and maximum dimensions, and defining fit and unfit species.

The conception of skhakh as the sine qua non of the sukka and the requirement that it produce shade are unknown outside of rabbinic literature. Yet the debate of the Houses on certain laws of skhakh indicates that the concept dates back to temple times. The centrality of these concepts is reflected in the specification that the occupant be directly beneath the skhakh and that nothing interpose between the skhakh and the sky. The tannaim defined carefully what materials could be used for skhakh. The walls, on the other hand, were of secondary importance. As with the lulav, great attention was given to standardization: the minimum and maximum dimensions of the sukka, and the number and height of the walls. Tannaitic law also ruled on the nature of the commandment to reside in the sukka. Optimally all mundane activities, especially eating and sleeping, should be done in the sukka. But various circumstances provided exemptions from the obligation.
Although the history of tannaitic law cannot be charted precisely, a general picture of the development emerges from a close analysis of the traditions. The basic principles and ideas appear to date back to temple times. These include the identification of the four species, the lulav ritual, the concept of skhakh and the nature and structure of the sukkah. In an almost organic manner, each generation of tannaim turned their attention to related areas. For example, already in temple times the skhakh, not the walls, was considered the essence of the sukkah. The early tannaim debated the configuration of the sukkah and its minimum and maximum sizes, considerations that further refine, but do not alter, this basic conception of the sukkah. The students of R. Akiba provided further standardization by setting the minimum number of walls and their required dimensions.

Focusing only on the sukkah and the lulav reveals a remarkable degree of continuity from temple times. The tannaim retained the basic contours of the rituals they inherited. They standardized, regulated, defined and set minimum and maximum dimensions, but refrained from major redefinitions of the rituals. Compare the Pesah seder with its retelling of the exodus, the liturgical components and the highly developed symbolism. In this case, the tannaim replaced the sacrificial meal with a complex ritual of a fundamentally different character.\textsuperscript{199} The Sukkot rituals, at least in terms of their external forms, display no such metamorphosis. Whether the content – the understanding of the meaning of the rituals – remained intact is a separate question. Yet we have seen that the lulav retained its function as a fertility symbol and rain-making device in the tannaitic period, content documented in Pseudo-Philo and strongly implied in earlier sources. At all events, the tannaim displayed considerable religious conservativism with regard to the ritual forms.

When we turn to the larger picture, however, we must recognize the extensive discontinuity in the overall character of the festival. First and most obvious, the cessation of the sacrifices, libations, SBH, the willow procession and other temple rituals obliterated the basic orientation and religious experience of Sukkot. The rabbinic sources that preserved narrative accounts of the temple rites reflect a degree of continuity in the theoretical conception of the festival but had little effect on the actual practice. Second, even the same rituals, the sukkah and the lulav, produced different experiences in the post-temple world. To reside in a sukkah among thousands of pilgrims in a crowded Jerusalem anticipating the cultic rites differed from dwelling in a sukkah in a small Galilean

\textsuperscript{199}On the difference between the seder and the sacrificial meal see Bokser, \textit{Origins}, 51-76.
village. To shake the lulav as the priests circumambulated the altar while the Levitical choir sang the Hallel differed considerably from the shaking in the synagogue or *beit midrash* as the precentor intoned the service. This is not to rank the religious experience or spiritual power of either context, but to acknowledge a fundamental dissimilarity.

If Sukkot in the rabbinic period was not primarily a temple-festival, then what was it? The halakhic materials in and of themselves reveal mere inklings of the meaning of the rituals or the general understanding of the festival. What did the experience of dwelling directly under the skhakh mean to them? How did this contribute to the meaning of the festival? What did the lulav symbolize to the rabbis? To begin to answer these questions we must turn to the aggadic material.