

HALOCHOSCOPE

This week's question:

A gas barbecue grill on a porch is attached to the house gas line. The porch is needed to build a *sukah*. Must the *sukah* be built to exclude the grill? Is it sufficient to cover and conceal the grill? If the grill may remain, may it be used inside the *sukah*? Would this justify keeping it inside the *sukah*? May the grill be used for heat? Would this justify keeping it inside the *sukah*, even if it might not be needed for heat?

The issues:

A) *Taishvu* – *ke'ain taduru*, residing in the *sukah* with the amenities of 'home'

B) *Mani maichla*, food utensils, in a *sukah*

C) *Bizuy mitzvah*, disrespectful activity in the presence of a *mitzvah* item

A) *Taishvu* – *ke'ain taduru*

To properly understand the facets to this question, we need to discuss the basic *mitzvah* of *yeshivas sukah*, dwelling in the *sukah*. The Torah says: ***Basukos taishvu***, in *sukos* shall you dwell, for seven days. A *sukah* is a temporary dwelling place, or home. Seven days also alludes to the temporary nature of the home. [There is one Talmudic view that ideally it must be a permanent dwelling – for seven days. However, we follow the view that it should be temporary, at least in terms of matters such as its height.] '*Taishvu*' is paraphrased by the Talmud to '*taduru*', live there is the same way that you normally live in your house'. In all, *sukah* is a '*diras arai*', temporary dwelling place, where *keva*, normal or regular dwelling, takes place. Dwelling normally includes, primarily, eating and sleeping. Many other activities are done normally in the home. However, apart from activities that are not done in the home, some of the expected activities, done abnormally, are excluded from the *mitzvah*. Furthermore, some are precluded, for they detract from the ability to fulfill normal *taduru*.

Eating refers to regular meals. *Achilas arai*, irregular eating, such as snacks, fruit and drinks, or less than an egg-sized piece of bread, is permitted outside the *sukah*. The poskim debate the applicability of *arai* when eating a proper meal based on other foods. Fruit, meat, cheese, and even wine are debated. Many poskim maintain that this depends on societal trends and location. Thus, it is advisable to avoid eating such basic foods outside the *sukah*. However, even when they form the base of a meal, one should not recite the *brocha laishaiv basukah*. There is also some question raised about a piece of bread smaller than an egg-size, on *Yomtov*. Since one fulfills the *mitzvah* of *seuda* and *simchas Yomtov* with this, perhaps it is considered *keva* at this time.

Shinas arai, irregular sleeping, such as a nap, is not permitted outside the *sukah*. The Talmud debates the reason. In one view, it will lead to deeper sleep. In the other view, some people subsist on such irregular naps. Therefore, it is all considered *keva*.

The Talmud compliments one who does all daily activities in the *sukah*, with the ex-

ception of those discussed in the next sections. Thus, one should try to snack and relax there. Some take the *arba minim* and even *daven* there.

Mitzta'er, one who is 'pained' or in discomfort, by being in the *sukah* is exempt. This is based on *taduru*, since one who would be thus uncomfortable in a room in his house would leave the room. This has many applications, such as one who is unwell or sitting in the rain. One such application applies to Torah study in the *sukah*. The Talmud says there are two types of study: *girsā*, learning for knowledge, and *iyun*, deep analysis. One requires the *sukah*, and the other is exempt. The common explanation is that for *iyun* one needs more concentration. The temporary nature of a *sukah* can cause distraction, rendering the student *mitzta'er*. Another opinion views it the other way. *Iyun*, being more fixed, requires a *sukah*. *Girsā* is more temporary activity, and does not require a fixed setting. Therefore, it may be done outside the *sukah*. In practice, we try to satisfy both views, studying both types in the *sukah* unless truly *mitzta'er*.

A watchman on patrol is exempt from *sukah*. One watching a field is exempt even while resting. He needs to be nearby to deter thieves. The Talmud debates why he should not be required to he build a *sukah* out in the field. One answer is that this is nit *ke'ain taduru*. The Torah would not require him to take all of his amenities to the field for the duration of the watching period. The other view maintains that this is not enough for an exemption based on a lack of *taduru*. He is perfectly happy depriving himself of his full household effects the rest of the time. Nonetheless, since a *sukah* requires walls on three sides, the watchman's view of thieves might be blocked. He could be required to build it so that the open wall faces the entire field or pile of grain. Some say that this exemption is also connected to *ke'ain taduru*.

In summary, the Torah requires one to live in his *sukah* in a normal manner. He is not expected to change from his regular behavior patterns at home. [See Sukah 26a 28b-29a, Poskim. Tur Sh Ar OC 639:1-5, commentaries.]

B) *Mani maichla*

Some types of behavior preclude the fulfillment of *ke'ain taduru*. They may not be performed in a *sukah*, because they will detract from the rest of one's activity, rendering it abnormal. The Talmud specifies, vessels used for drinking may remain in the *sukah*, while *mani maichla*, vessels used for solid food, should be outside the *sukah*. The poskim debate the meaning of this. Some say that they may not remain in the *sukah* after they have been used. That is, they may be brought into the *sukah* for their use, but once they are used and dirty they must be removed. Others maintain that this refers to leaving them outside to begin with. Certain types of vessels should never be brought into the *sukah*.

To illustrate, the first view might permit bringing pots, serving utensils and the like into the *sukah*. However, after use, even regular eating plates, and certainly platters, must not remain in the *sukah*. The second view will allow plates and serving utensils to remain in the *sukah*. This is considered normal. However, utensils used to prepare the food, such as pots and kneading bowls, or ovens, stoves, grills and roasting spits, should be left outside. Utensils for storing raw food, such as flour, are also left outside. These items are not brought to the dining table under normal circumstances.

The question is, why would these items be precluded? Are they not present in a normal home! The general answer is that *ke'ain taduru* is evidently meant to refer to the

most respectable room in the home. These items are kept in another room for themselves.

Thus, the first view maintains that the Talmud precludes certain dirty items at the table, but might not preclude preparation items, such as pots. According to the second view, dirty plates are permissible, but pots and earthen utensils are forbidden. The poskim debate which of these to follow. While the major poskim cite the first view, common practice follows the second. Pots are kept outside, and dirty plates are not immediately removed. Nonetheless, it is highly recommended to satisfy the first view as well.

This raises various questions with regard to modern times. For example, one may obviously use oven-to-tableware at his *sukah* table. Though it is sometimes earthen, it is decorative and completely acceptable at the dining table. What about putting a baking pan inside a wicker trivet-holder? What about eating things directly from their containers, such as pickle jars or opened cans? May one bring a decorative trash can, a small refrigerator, or a warming plate inside the *sukah*? These might not be used at the table, but are often used in the same room as the dining table. Is there a difference between a standard refrigerator and a special beverage refrigerator, that is usually fancier? What about a fancy washing basin, often brought near the dining area for convenience? May one keep a table-top coffee-maker or a samovar on the *sukah* table? Furthermore, in modern kitchens it is perfectly normal to dine, despite the presence of all the utensils used to prepare the food. Could a *sukah* resemble a dinette? It is possible that the guidelines for *ke'ain tadiru* are based on societal convention, similar to *achilas keva*?

The Talmud also cites two rulings about lamps, one permitting them in the *sukah*, and one forbidding them. The resolution is that in a small *sukah* it is forbidden, and it is permitted in a large *sukah*. Various explanations are offered. In one view, the small *sukah* is minimum size. The presence of the lamp reduces its space, making it *pasul*, invalid. In another view, in a small *sukah* there is a risk of fire. One might leave out of fear, or one who stays there will be so bothered by the fear that he is *mitzta'er*. Others say that if the lamp crowds the person, he is *mitzta'er*. Many poskim maintain that one may never bring a clay lamp into any *sukah*, no matter how large. It is usually dirty, though some even forbid it when new, and some even forbid a glazed clay lamp.

One may not eat in the *sukah* on *Shemini Atzeress* [in *Eretz Yisroel*]. If he has no choice, he should do something to make it obvious that he does not intend it as a fulfillment of the *mitzvah*. In a small *sukah*, he should bring or kindle a lamp. In a large *sukah*, he should bring in one of the utensils normally precluded. The poskim use language indicating that this makes the *sukah* invalid. However, many maintain that this is an elaborate way to say deficient. Nonetheless, some say that one should not recite the *brocha laishav basukah* as long as the utensil is present in the *sukah*.

Apparently, there is no discussion about a heat source. It is possible that it has the same status as a lamp. As long as it is respectable and does not crowd people, it is permitted. It is also possible that the type of stove commonly used was always considered inappropriate. It is also possible that since it is normal to use a stove, all stoves are acceptable in a *sukah*. Perhaps the presumption is that heat is not needed at this time of year. However, one reason offered why people are lax in the fulfillment of the *mitzvah* to sleep in the *sukah* in cold countries, is the cold. Thus, it seems that one need not, and perhaps should not bring a stove into the *sukah*. Using the lamp as a heat source is not even

suggested as a reason to permit bringing it inside. [See Sukah 29a 48a, Poskim. Tur Sh Ar OC 639:1 666, commentaries. Halocho-scope IX:22.]

C) Bizuy mitzvah

There is actually a debate on the reason to preclude unsavory utensils from the *sukah*. Some maintain that it is due to *bizuy mitzvah*. The poskim forbid doing a disrespectful activity in the *sukah*, lest the *mitzvah* become demeaned in the eyes of the person. The Talmud forbids counting money before the *Chanukah* lights. This is based on the Scriptural *mitzvah* to cover blood of a slaughtered fowl or wild animal. The hands should cover it, rather than the feet, to avoid *bizuy mitzvah*. Some add that this then turns into an issue of *ke'ain taduru*. Thus, the deciding factor on whether something is a violation of *taduru* is whether it is viewed as demeaning. It is customary to wash hands outside the *sukah*, except first thing in the morning. [Since people wash right by the bedside, this is normal. However, the water must be taken out of the *sukah* immediately.]

Some say that this is the issue with allowing pots into the *sukah* before eating. They are not filthy, and do not involve *bizuy mitzvah*. Therefore, some permit them. The stringent view maintains that the reason is *ke'ain taduru*, and these vessels are not brought to the table. Accordingly, those who follow the first view would allow jars and cans as well, along with many of the utensils we raised questions about in the last section.

From the discussion, the barbecue grill in our question would seem to be forbidden in the *sukah*. According to one view, though societal norms consider it respectable to cook out, it is not done indoors at the dining table. Thus it touches on *bizuy*. The other view would forbid it due to the grill itself. It is both a stove and a grill. Using it for heat would not be permitted any more than would using a clay lamp. The Talmud says 'outside the *sukah*', but this grill cannot be moved. Concealing it might be acceptable. The cover may not be its usual cover, which is an accessory of the item. Rather, it would need to be covered in a way that would be acceptable inside a dining room. One could use an attractive cloth, and fulfill the *mitzvah* of *noy sukah*, decorating the *sukah*, at the same time. [See Sukah 29a 48a, Poskim. Tur Sh Ar OC 639:1, commentaries.]

In conclusion, The barbecue should be covered with a decorative throw. If one wishes to use it on *Sukos*, he may do so only if the *sukah* is built to exclude it. Also, there should be no distasteful smells coming inside the *sukah*.

On the parsha ... Rejoice, Zevulun, when you set out, and Yisachar in your tent. [33:18] The Torah contrasts Zevulun, who set out as a merchant, with Yisachar, who stayed behind and studied Torah. They partnered in this way. [*Rashi*] Why is the term 'your tents' used for staying home? Why not use the term 'house'? Some say this refers to a temporary dwelling. [See *Or Hachaim*] If so, the term *sukah* could have been used! Possibly, to excel in Torah study, it is important not to become steeped in materialism. Perhaps a tent is understood to mean something between a house and a *sukah*, with both advantages. The tent is a more fixed place, yet less materialistic. Thus, one studying Torah, both *girsah* and *iyun*, will find joy.

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