

BORROWING A SUKKAH

SUKKOS

EMOR

RE'EH

BORROWED SUKKAH / BORROWED LULAV / STOLEN SUKKAH
OWNERSHIP OF A BORROWED ITEM / OWNERSHIP VS. INCOME RIGHTS
JEWISH UNITY

לע"נ זאב אר"י ע"ה בן יבלחסי"א שניאור זלמן גליק

There is a Braisa brought in maseches Sukkah: “R’ Eliezer says, that just like a person cannot fulfil his obligation on the first day of Sukkos with someone else’s lulav, as it says, ‘You should take for yourself on the first day etc.,’¹ so too with the mitzvah of sukkah, as it says, ‘The festival of Sukkos you should make for yourself.’²”³

In other words, just like by the mitzvah of lulav, we learn from the word לָכֵם, for you, that it needs to belong to the person doing the mitzvah, so too by sukkah, where it says לָךְ, it needs to belong to you.

The Braisa continues, “However the Chachamim disagree, and say that one can sit in any sukkah, since it says in the passuk, “Every citizen in Yisrael shall sit in sukkos,”⁴ that all Jews are eligible to sit in one sukkah.” We see that one doesn’t need to own the sukkah that he’s sitting in.

The Gemara asks, “What do the Chachamim do with the “לָךְ”? The answer is that they use it to teach us that one cannot use a stolen sukkah, but a borrowed one is ok, as we learned before. Seemingly, they’re saying that one can use a borrowed sukkah even though it isn’t his. This is how Tosfos learns the Gemara.

Rashi, however, learns differently. He writes: “The passuk implies that all Jews could sit in one sukkah, and this is impossible for everyone to own a portion that is worth a prutah, without borrowing.”



1. Vayikra 23:40.

2. Devarim 16:13.

3. Sukkah, 27b.

4. Vayikra, *ibid.*, 42.

The Levush⁵ understands that Rashi is saying that through borrowing it becomes “yours” for the sake of the mitzvah.

The Minchas Chinuch⁶ understands Rashi to be saying that it doesn’t need to be yours, like Tosfos).

2 The Alter Rebbe writes in Shulchan Aruch: “Even though the Torah says that the sukkah should be “לך,” a person can do the mitzvah even with a borrowed sukkah, since when he enters with permission it becomes like his own.”⁷ We see that the Alter Rebbe does hold it needs to be “yours,” but if it is borrowed, that is considered “yours.”

However this way of learning Rashi is difficult, since the halachah by lulav, which also has to be “yours,” is that one cannot use a borrowed lulav, and if someone wants to use another’s lulav, he needs to get it as a present. Seemingly, based on what the Alter Rebbe writes, that something borrowed is “as one’s own,” why can the mitzvah of lulav not be done with a borrowed lulav?

3 We could explain that there are different levels in how much a person can “own” something.

As we see in halachah that there are two types of ownership: Owning the property itself, or “kinyan haguf,” or owning the produce, “kinyan hapeiros.” Even with a kinyan hapeiros, a person has some degree of ownership, however he only receives the fruits or profits from it. He doesn’t completely own the property, unlike by a kinyan haguf. Similarly by a borrowed sukkah:

5. 637:2.

6. *Mitzvah 325, S.K. 9.*

7. 637:2.

Even though the sukkah must be yours, as the passuk says “לך,” since as the passuk also says “every citizen...” the Torah includes a lesser degree of ownership, such as borrowing. By lulav, on the other hand, we don’t have the passuk of “every citizen...” and therefore we base the halachah on “לך,” and one needs complete ownership.

However in the Shulchan Aruch the Alter Rebbe implies that it becomes completely “yours” through borrowing. Further (in se’if 11) the Alter Rebbe writes: “Preferably someone shouldn’t sit in a sukkah built on someone else’s land, since it needs to be “yours,” and this is unlike a borrowed sukkah that is lent with a full heart and becomes really like his own.” If so our question is strengthened, why is lulav’s requirement to be “yours” different, why is a borrowed lulav not “yours?”

4 The answer is that from the passuk “every citizen in Yisrael should sit in sukkos” we learn a tremendous chiddush: Even though we don’t find anywhere else that something borrowed becomes one’s own, by sukkah this is the case, it becomes like one’s own!

The explanation is, that by most items one borrows he can only use it for its intended purpose. This shows that it clearly belongs to the owner, and the borrower can use it for one (or several, but limited) things. Therefore, one cannot use a borrowed lulav, because it needs to be “yours.” (In practice one can use a borrowed lulav, since we assume that the lender knows the halachos and gave it as a returnable gift, in accordance with the halachah.)

A sukkah is different, in the sense that the mitzvah is to dwell as the same way one lives in their house the rest of the year. He eats in the sukkah, learns in the sukkah etc. Therefore he is not borrowing it for a specific thing, he is borrowing it for everything! That is the reason a borrowed sukkah can be considered “yours.”

5 In chassidus there are two levels of unity we can learn from Sukkos: The unity of the daled minim and the unity of the sukkah. The daled minim show that all types of Jews: the higher—such as the esrog, which represents those who learn Torah and do mitzvos, the lower—such as the aravos, which represent those Jews who do neither, and all those in between are bound together, and feel that they are not separate from each other.

Sukkah represents a higher level of unity, as it says “every citizen in Yisrael shall sit in sukkos,” and the Chachamim learn that “all Jews are eligible and it is appropriate for all Jews to sit in one sukkah,” without even considering the different levels and standings, even to the point that in can be that the sukkah belongs to one person, and it is considered for another as if it is his own!

STUDY AID

1. The disagreement between R' Eliezer and the Chachamim about a borrowed sukkah. The two ways of understanding the Chachamim's opinion, according to Tosfos that it doesn't need to be his, and according to Rashi, it becomes like his own.
2. The Alter Rebbe paskens like Rashi, and the question why sukkah and lulav are different.
3. A possible explanation, that sukkah needs a lower level of ownership, and why this doesn't work.
4. The explanation, what is special about sukkah, since one dwells in it.
5. The lesson in unity from sukkos.

Source:

על פי ליקוטי שיחות חלק י"ט חג הסוכות שיחה א'