

# HALOCHOSCOPE <sup>TOI</sup> PE

May one keep a decorative garbage can in his Sukah?

The issues:

(A) *Taishvu K'ain Taduru*, to reside in a *Sukah* with all amenities of home

(B) Used utensils in the *Sukah*

(C) *Tashmish Bazuy*, menial activity, and *Bizuy Mitzvah*, demeaning a *Mitzvah*

(A) *Taishvu K'ain Taduru*

A *Sukah* should be a *Diras Arai*, temporary dwelling or home. The object is to place oneself at the mercy of the elements to demonstrate his dependence on the protection of Hashem. The terminology of the Torah for this *Mitzvah* is to "dwell" in the *Sukah*, seven days. Seven days alludes to the temporary nature of the dwelling. The word *Taishvu*, to dwell is paraphrased by the Talmud to *Taduru*, live there in the same way that you normally live in your house. This terminology can affect the details of the *Mitzvah*. Dwelling includes, primarily, eating and sleeping in one's home.

Eating refers to eating regular meals in the *Sukah*. *Achilas Arai*, irregular eating, such as snacks and fruit or drinks, or less than an egg-sized piece of bread, is permitted outside the *Sukah*. The Poskim debate the rules of *Arai* when eating a proper meal based on other foods, such as fruit or meat and cheese. Even wine is a matter of debate. Later Poskim maintain that this does not apply in societies such as their own, where these foods do not serve as the basis for a meal. Only bread has this standing. It is quite evident that this has reverted to the original situation in modern times. People are indeed *Kovei'a Seuda*, fix a meal, without bread, using meat or cheese as the main item. Perhaps the idea of meat or cheese as the main item meant that this was the only item of substance at the meal. All other foods were eaten as delicacies or side dishes. If so, nowadays the meat is less prominent and does not count for *Kvius Seuda*, even according to the stringent view. The meat and cheese might have the same standing as the other foods. It is advisable to avoid eating these foods outside the *Sukah* anyhow, to satisfy the stringent view. However, when eating them without bread etc. in the *Sukah*, one should not recite a *Brocha Laishaiv Basukah*.

*Shinas Arai*, irregular sleeping, such as a nap, is not permitted outside the Sukah. The reason for this is debated in the Talmud. In one view one who naps might fall into a deeper sleep. In the other view since some people subsist on periodic naps rather than deep sleep, there is no such category as Arai for sleep.

The Talmud complements one who does everything involved in his daily life in the Sukah. Thus, one should try to snack and even relax in the Sukah. Some people have the practice to take the *Lulav* and *Esrog* in the Sukah before, or even during *Shacharis*, to fulfil both Mitzvos together. Some even *Daven* in the Sukah, when this is possible without sacrificing the chance of joining a *Minyan*.

Concerning Torah study in the Sukah, the Talmud distinguishes between two types of study. There is *Girsa*, study for the knowledge, and *Iyun*, analysis to derive deeper ideas and understanding. The common way to understand this passage is that deeper analysis requires more concentration. In the Sukah one might more easily be disturbed, partly due to the temporary nature of the surrounding environment. This would render the student a *Mitzta'er*, uncomfortable, allowing him to go back inside his permanent house. The other view is that *Iyun* is a more fixed, permanent activity. Therefore, one is obliged to spend time on it in the Sukah. *Girsa* is like *Arai*, not being something that requires a fixed setting. Therefore, it does not require a Sukah. In practice we follow both views, to study for both purposes in the Sukah, unless one is actually disturbed by the environment. At that point he is truly *Mitzta'er* and may go inside the house to continue studying.

A watchman on patrol is exempt from Sukah. One watching a field is also exempt while resting. He must be nearby to deter thieves. The Talmud discusses the possibility of building a Sukah in the field he is watching. The reason is a matter of debate. One reason offered is that this is not considered *Ke'ein Taduru*. The Torah would not obligate him to take all his amenities to the field and dwell there for the duration of his watching period. The other view is that this is not considered a lack of *Taduru*. He could live in the Sukah with less than his usual household effects. After all, he is willing to live this way at other times in the year when he is on watch. [A Sukah may not be open on all sides, but must have three walls. A thief would see him in the Sukah by night and steal from the field on a side which is not visible from the Sukah. According to this reason, if he watches a pile of grain that is all right in front of him he must build a Sukah in a way that will let him see it.] One interpretation of this view is that this, too, is an exemption based on *Taduru*.

Thus we see how important it is to have everything in the Sukah exactly as it is in one's home. This is all due to the rule of *Taishvu K'ain Taduru*. The Torah

specifically exempts one from the obligation to live any differently than he would otherwise, just in order to fulfil the Mitzvah of Sukah. The Mitzvah is to do whatever he does normally in his house, in the Sukah. Thus, if his job all year round is as a watchman, he need not change for Sukos. Presumably, one should not start such a job on Sukos. All year round, it is normal to go on trips outside the house. Therefore, one is not forbidden to do so on Sukos.

One may treat his Sukah exactly as he does his house, and his conduct on Sukos exactly as his conduct during the year. What about a garbage can? Most people keep a garbage can of some kind in every room. In many cases it is merely a waste paper basket, or to throw used tissues. In dining areas it is likely to be used for remnants of dinner as well. These include peels pits, used paper ware, bones and general leftovers. Thus, it would appear to be an acceptable amenity to have in the Sukah, and might be recommended. Many people might feel that not to have one in the Sukah is a lack of fulfillment of *Taduru*. [See Sukah 26a 28b-29a, Poskim. Tur, Bais Yosef, Bach, Shulchan Aruch Orach Chaim 639:1-5, commentaries.]

#### **(B) Used utensils in the Sukah**

The Talmud says that utensils used for drinks should be kept in the Sukah, but utensils for food should not. Obviously utensils being used to eat the food must be in the Sukah. Therefore the commentaries explain that the utensils referred to by the Talmud are not those used at the meal. One view says it refers to the serving or storage utensils. These are not usually kept in one's dining or living area. Therefore, they do not comply with the rule of *Taduru*. It appears that this view would actually forbid them to be kept in the Sukah, because one does not want them by the table when eating. According to this view one could argue that a garbage can is somewhat indispensable in an eating area. On the other hand, one does not keep it close to the table, except when cleaning up after eating.

The other view says it refers to used eating utensils. The reason they should not be kept in the Sukah is due to their unsavory nature. This reason might be an extension of *Taduru*. One living normally does not keep unsavory items in his living area. In that case, the fact that people do keep garbage cans in living areas, albeit to contain unsavory items, should permit keeping them in the Sukah. [See Sukah 29a, Poskim. Tur Sh. Ar. O.C. 639:1, commentaries.]

#### **(C) Bizuy Mitzvah**

However, it is possible that the unsavory item is kept out of the Sukah for its own separate reason. One may not act demeaningly in a Sukah, due to *Bizuy Mitz-*

*vah*, the prohibition against demeaning a Mitzvah.

The Poskim forbid doing any disrespectful activity in the Sukah, lest the Mitzvah become demeaned to him. This is based on a Talmudic passage forbidding counting money out in front of the Chanukah lights for this reason. The source of the rule is the Mitzvah to cover the blood of a slaughtered fowl or undomesticated animal. The Torah indicates that the hands which slaughtered it should be used to cover the blood, and not the feet. The Talmud says the reason is to avoid Bizuy Mitzvah. Thus, the idea has a Scriptural basis.

If this is the reason used utensils may not be left in a Sukah, the same would apply to garbage. The same should also apply to garbage cans, due to their content. Even if one might behave in this way in his home, there is an added sense of holiness in a Sukah. Thus, activities that one might feel are appropriate at home are forbidden in a Sukah. As for Taduru, too bad! [See Shabbos 22a, Poskim. Bais Yosef, Sh. Ar. O.C. 639:1, Ar. Hash. commentaries.]

One might argue that the garbage is in a can and thus not disgusting. However, if the can is open there is evidently a problem. The Poskim discuss washing *Netilas Yadayim* in the morning in a Sukah. They say that though one may wash right near his bed, he must immediately remove the water from the Sukah. [Apart from being used water, it is spiritually unclean.] Normally one covers the water anyhow, then disposes of it later. Evidently covering it is not enough.

Perhaps it should depend on the kind of refuse in the can. Waste paper should not pose as serious an issue as food wrappers or used paper ware, which in turn should not be as problematic as used tissues or bones and peels. Second, if the can is decorative, it is made to be brought into an elegant living area. Accordingly, it should actually be brought into the Sukah as part of one amenities.

However, we find elsewhere that one may remove garbage on Yomtov or Shabbos, even though it is really *Muktzeh*. It has no use and may not normally be moved. Since one is repulsed in its presence, it may be moved away. This implies that at least certain types of garbage are considered Halachically disgusting. As for the decorative waste basket, it might be decorated out of necessity. One feels he must have it, but wants to disguise it.

In conclusion, due to the possibility of a Scriptural issue, one should avoid keeping a waste basket in the Sukah.