

Sukkot and Housing Justice 5784



**JEW'S UNITED
FOR JUSTICE**



Sukkot and Housing Justice 5784

Contents

Introduction	2
A Permanent Home or a Temporary Dwelling?	3
Leviticus 23:42-43	3
Mishnah Sukkah 2:9	3
Isaiah 5:7-8	4
Rashi on Isaiah 5:8	4
Micah 2:1-3	5
Haftarah Day 2 Sukkot: Kings I 8:9-14	6
The Case of the Stolen Lulav	7
Leviticus 23:40	7
Sukkah 29b	7
Sukkah 30a	8
Sukkah 41b	8
Leviticus 25:23	9

Introduction

The holiday of Sukkot is a reminder to us of the temporary nature of the world and our lives, in particular, our homes. Without access to safe, fair, affordable housing, a person also does not have access to quality food, public transportation, or education. At its core, Sukkot is a holiday that forces us to think about the places we reside and the spaces we occupy. Below you will find Jewish sources from the Torah, the Prophets, and the Talmud examining the intersections of Sukkot and housing justice.

This guide is divided into two distinct sections. The first section delves into the differences between a permanent home and a temporary dwelling. The second section explores a specific rabbinic ruling forbidding the use of a stolen *lulav* (a ritual object used on Sukkot made up of date palm, myrtle, and willow). The sources are meant to be used as a “grab bag” (in other words, use the ones that resonate with you and leave behind the ones you do not connect with). Many of the sources have guiding questions to help you understand and dive deeper into what the text is trying to say.

As you navigate these sources, we hope that you begin to think about what makes a home; our responsibility to create safe, fair, and affordable housing; and the reasons that the holiday of Sukkot may force us to grapple with housing justice.

—



A Permanent Home or a Temporary Dwelling?

Jewish law commands that during the holiday of Sukkot one is to build a *sukkah* (pl. *sukkot*), a temporary hut, often connected to a permanent home with at least three walls and a roof made of something natural that once grew out of the ground (such as bamboo or tree branches). Sukkot is a time of celebration where many Jews will spend time, eat, and even sleep in the *sukkah*. We hope that by learning more about the temporary nature of the *sukkah*, we can also think more critically about what our permanent homes stand for.



Leviticus 23:42-43

You shall live in booths for seven days; all citizens of Israel shall live in booths, in order that future generations may know that I [God] made the Israelite people live in booths when I brought them out of the land of Egypt, I the LORD your God.

בַּסֻּכּוֹת תֵּשְׁבוּ שִׁבְעַת יָמִים כָּל־הָאֶזְרַח בְּיִשְׂרָאֵל יֵשְׁבוּ בַסֻּכּוֹת: לְמַעַן יֵדְעוּ דַרְתֵיכֶם כִּי בַסֻּכּוֹת הוֹשַׁבְתִּי אֶת־בְּנֵי יִשְׂרָאֵל בְּהוֹצִיאִי אוֹתָם מֵאֶרֶץ מִצְרַיִם אֲנִי יְהוָה אֱלֹהֵיכֶם:

- According to this text, why are we commanded to build sukkot?

Mishnah Sukkah 2:9

For seven complete days a person should make their *sukkah* into a permanent residence and their house into a temporary residence.

כָּל שִׁבְעַת הַיָּמִים אָדָם עוֹשֶׂה סֻכּוֹתוֹ קָבֵעַ וּבֵיתוֹ עָרָאִי

- What makes a house permanent? What makes it temporary?
- What is the significance of building a temporary dwelling?
- Can the act of building a *sukkah* help you understand your own relationship to home? The place you dwell? Are those the same?

Isaiah 5:7-8

The quote below from the prophet Isaiah might be confusing on its own. The commentary below will help clarify the verse.

...And God hoped for justice, but behold, injustice; God hoped for equity, but behold, iniquity! Ah, those who add house to house and join field to field, until there is room for none but you to dwell in the land!

...ויקו למשפט והנה משפח לצדקה והנה צעקה:
הזי מגיעי בית בבית שדה בשדה יקריבו עד אפס מקום והושבתם לבדכם בקרב הארץ:

- What is happening in this text? What sin is being committed?

Rashi was an 11th century commentator. His commentary is still one of the most widely read commentaries. He is here to help you understand the above verse from Isaiah! Before you dive into Rashi, think about what questions you have about the verse. What do you need help understanding? As you read through Rashi, consider what questions he is trying to answer.

Rashi on Isaiah 5:8

Those who add house to house: thereby taking the land of the weak poor man between the two houses, and so a field to a field.

מגיעי בית בבית. מקרבים בתיהם זה אצל זה ומתוך כך גוזלים קרקע העניים החלשים שבין ב' הבתים, וכך:

Until there is room for none but you: No place for the poor person to live.

שדה בשדה יקריבו עד אפס מקום. שאין מקום לעני לישב:

To dwell in the land: You think that neither the Holy One, blessed be, nor the poor, have a share in the land. You are stealing God's share of the tithes, [you are robbing] the poor of their land, so that you alone will occupy it.

והושבתם לבדכם בקרב הארץ. כסבורים אתם שאין חלק להקדוש ברוך הוא ולא לעניים בארץ חלקו במעשרות אתם גוזלים ולעניים את ארצם שתהיו אתם לבדכם יושבים בה:

- What type of injustice is being described by these verses?
- Why might denying another a home be considered such a great injustice?
- According to Rashi, what is the root of God's anger at the people taking away the houses of others?
- Against whom is sin being committed?
- How do we think about who lives in our neighborhood? Whose house we might be taking? How do we make room for more people rather than taking away?

Micah 2:1-3

Those who lie in bed at night planning iniquity and designing evil; When morning dawns, they will carry through with it, for they have the power in their hand. **They covet fields, and seize them; houses, and take them away.** They defraud a person of their home; a person of their inheritance. Therefore, God said: I am planning such a misfortune against this clan that you will not be able to free your necks from it. You will not be able to walk straight; it will be such a time of disaster.

הוֹי חֲשִׁבֵי-אֵוֹן וּפְעֻלֵי רָע עַל-מִשְׁכְּבוֹתֵם בְּאֹר הַבִּקְרָה יַעֲשׂוּהָ כִּי יִשְׁלַל יְדָם:
וְחָמְדוּ שָׂדוֹת וְגָזְלוּ וּבְתֵימִים וְנִשְׂאוּ וְעָשְׂקוּ גֵבֶר וּבֵיתוֹ וְאִישׁ וּנְחֻלָּתוֹ:

- What sin is being committed in these verses and against whom is sin being committed?
- How does Micah, an 8th century BCE prophet and the author of this passage, view those who take away the homes of others?
- Why might God be “planning such a misfortune against this clan?” Is it significant that the sin is specifically related to denying one's housing? Why or why not?



Haftarah Day 2 Sukkot: Kings I 8:9-14

This text is traditionally read on the second day of Sukkot. The irony of reading this text on Sukkot is that it is entirely about building the Temple, a permanent dwelling for God, one that, as the text says, you “may dwell forever.” And yet, the Temple, too, was destroyed. The entirety of Judaism as we know it today has been created for a post-Temple era.

“There was nothing inside the Ark but the two tablets of stone which Moses placed there at Horeb, when THE ETERNAL made [a covenant] with the Israelites after their departure from the land of Egypt. When the priests came out of the sanctuary—for the cloud had filled the House of THE ETERNAL and the priests were not able to remain and perform the service because of the cloud, for the Presence of THE ETERNAL filled the House of THE ETERNAL — then Solomon declared:

**‘THE ETERNAL has chosen
To abide in a thick cloud:
I have now built for You
A stately House,
A place where You
May dwell forever.’**

“Then, with the whole congregation of Israel standing, the king faced about and blessed the whole congregation of Israel.”

וַיֹּאמְרוּ הַבַּיִתִּים וַיִּרְאוּ רֵאשֵׁי הַבַּיִתִּים מִן־הַקֹּדֶשׁ עַל־פְּנֵי הַדְּבִיר וְלֹא יִרְאוּ הַחוּצָה וַיְהִיו שָׁם עַד הַיּוֹם הַזֶּה: אֵין בְּאֵרוֹן רֶק שְׁנֵי לַחֲוֹת הָאֲבָנִים אֲשֶׁר הִנֵּחַ שָׁם מֹשֶׁה בְּחֹרֵב אֲשֶׁר כָּרַת יְהוָה עִם־בְּנֵי יִשְׂרָאֵל בְּצֵאתָם מֵאֶרֶץ מִצְרַיִם: וַיְהִי בְּצֵאת הַכֹּהֲנִים מִן־הַקֹּדֶשׁ וְהֶעֱנַן מָלֵא אֶת־בַּיִת יְהוָה: וְלֹא־יָכְלוּ הַכֹּהֲנִים לַעֲמֹד לְשֵׁרֵת מִפְּנֵי הָעֲנַן כִּי־מָלֵא כְבוֹד־יְהוָה אֶת־בַּיִת יְהוָה: {פ} אַז אָמַר שְׁלֵמָה

**יְהוָה אָמַר לְשֹׁכֵן בְּעֶרְפֶּל:
בְּנֵה בְנֵיתִי בַיִת זָבֵל לָךְ מִכּוֹן לְשִׁבְתֶּךָ עוֹלָמִים:**

וַיֹּאמֶר בְּרוּךְ יְהוָה אֱלֹהֵי יִשְׂרָאֵל אֲשֶׁר דִּבֶּר בְּפִיו אֶת דְּוֹד אָבִי וּבִידוֹ מָלֵא לְאֹמֶר:

- Why might we read this text on Sukkot?
- Is there anything you can think of that is in fact permanent?



The Case of the Stolen Lulav

A *lulav* refers to the ritual object used on Sukkot. It is made up of date palm, myrtle, and willow. It is tradition to shake the lulav along with the *etrog* (citrus fruit) in the sukkah.



The natural connection between the holiday of Sukkot and housing justice is centered around the temporary nature of the sukkot themselves (as seen above). Yet the Talmud makes clear that one is specifically not permitted to use a stolen lulav. Why? Because one is not permitted to fulfill a *mitzvah* (commandment) by way of a transgression (i.e., theft). As we sit in our Sukkot this year, we want to use the case of the stolen lulav to help us think more deeply about the neighborhoods we dwell in, whose land we may be dwelling on, and our responsibilities to the history of the places we live.

Leviticus 23:40

On the first day [of Sukkot] you shall take the product of hadar trees, branches of palm trees, boughs of leafy trees, and willows of the brook [i.e. the lulav], and you shall rejoice before God seven days.

וּלְקַחְתֶּם לָכֶם בַּיּוֹם הָרִאשׁוֹן פְּרִי עֵץ הַדֶּרֶךְ כַּפֹּת תְּמָרִים וְעֵנָף עֵץ-עֵבֶת וְעַרְבֵי-נַחַל וּשְׂמַחְתֶּם
לִפְנֵי יְהוָה אֱלֹהֵיכֶם שִׁבְעַת יָמִים:

- What is a lulav?
- What do you do with a lulav?
- In its origins, Sukkot started as a harvest holiday. Why do you think taking the lulav and rejoicing are connected?

Sukkah 29b

A lulav that was stolen...is unfit for use in fulfilling the mitzvah of the four species.

לולב הגזול ... — פסול

Sukkah 30a

It is unfit because it is a mitzvah that comes to be fulfilled by means of a transgression, which renders the mitzvah unfulfilled.

משום דהיה ליה מצוה הבאה בעבירה

- What different values are at play in this ruling?
- Do you think the text is putting emphasis on the state of the lulav (that it is stolen) or on the actor (the person who did the stealing or the person attempting to fulfill the mitzvah)? Does it make a difference?
- Where else in your life do you see these competing values playing out? What are other examples you can think of that might render a commandment unfilled because of a transgression?
- In the context of housing justice, what, if any, competing values are at play? What does it mean to you to live on stolen land? How do you think about the history of your neighborhood?

Sukkah 41b

Mishnah: Each and every person recognizes their own lulav and takes it. This emphasis that each and every one recognizes their own lulav and takes it is because the sages said: A person does not fulfill their obligation to take the lulav on the first day of the festival with the lulav of another, and on the rest of the days of the festival a person fulfills their obligation even with the lulav of another.

מתני'... כל אחד ואחד מכיר את שלו ונוטלו, מפני שאמרו חכמים: אין אדם יוצא ידי חובתו ביום טוב הראשון בלולבו של חבירו, ושאר ימות החג — אדם יוצא ידי חובתו בלולבו של חבירו

Gemara: From where is it derived that one does not fulfill their obligation of the lulav belonging to another on the first day of the festival? The sages taught that it is written in the Torah: “And you shall take for yourselves on the first day [of the festival] the fruit of a beautiful tree, branches of a date palm, and boughs of a dense-leaved tree, and willows of the brook” (Leviticus 23:40). The use of the second person plural in the phrase: “And you shall take,” indicates that there should be taking in the hand of each and every person. The word yourselves in the phrase “take for yourselves” means: From your own, to exclude a borrowed or stolen lulav. From here the sages stated: A person does not fulfill their obligation on the first day of the festival with the lulav of another **unless**

the other gave it to them as a full-fledged gift, as in that case it belongs to them.

גַּמְי' מִנָּא הֵי מִלִּי? דָּתְנוּ רַבְּנֵי: "וּלְקַחְתֶּם", שְׁתֵּהא לְקִיחָה בְּיַד כָּל אֶחָד וְאֶחָד. "לְכֶם", מִשְׁלָכֶם — לְהוֹצִיא אֶת הַשְּׂאוּל וְאֶת הַגְּזוּל. מִכָּאן אָמְרוּ חֲכָמִים: אֵין אָדָם יוֹצֵא יָדוֹ חוֹבְתוֹ בְּיוֹם טוֹב הָרֵאשׁוֹן שֶׁל חַג בְּלוּלָבוּ שֶׁל חֲבִירוֹ אֲלֵא אִם כֵּן נִתְּנוּ לוֹ בְּמִתְנָה

- Summarize these texts to make sure you understand what they are saying. You can read them multiple times if you need to!
- Why do you think there is emphasis on needing your own lulav? How does this concept sit with you?
- How do these texts differ from the above texts? What is different about using a stolen lulav as opposed to simply using someone else's lulav?

Leviticus 25:23

And the land shall not be sold in perpetuity; for the land is Mine [God's]; for you [humans] are dwellers and residents with Me [God].

וְהָאָרֶץ לֹא תִמָּכַר לְצַמְתָּת כִּי־לִי הָאָרֶץ כִּי־גֵרִים וְתוֹשְׁבִים אַתֶּם עַמְדִּי:

- If the lulav itself comes from the land, who is the owner of the lulav according to this text?
- How (if at all) does this text change your understanding of any of the above texts?
- How do you relate to the idea of God's ownership (in general and of land specifically)?
- How might this idea shape your relationship to where you live, who your neighbors are, or who has control over housing stock?

Interested in further discussion of the teachings here?

Join Jews United for Justice at one of our Sukkot 2023 events. See all the upcoming events and register to attend at jufj.org/sukkot.

