



Maimonides on The Berakha on Sitting in the Sukka By Rabbi David Silverberg

In his presentation of the laws of *sukka*, Maimonides rules that one must recite the *berakha* over this *mitzva* while standing, just before he sits down in the *sukka* (Hilkhos Sukka 6:12). One should not, according to Maimonides' view, recite the *berakha* after sitting down in the *sukka*; the *berakha* must rather be recited before a person sits to eat in the *sukka*.

Maimonides' ruling has generated considerable discussion among later authorities. A famous halakhic principle dictates that when *Halakha* requires reciting a *berakha* over the performance of a *mitzva*, one must recite the *berakha* just before performing the *mitzva*. (This provision is known as “*over la-asiyatan*,” or “prior to their performance.”) By insisting that one recite the *berakha* over the *sukka* before one sits down in the *sukka*, Maimonides appears to imply that one fulfills the obligation of *sukka* only once he sits in the *sukka*. If one fulfilled the obligation by simply entering the *sukka*, then we should seemingly require reciting the *berakha* just before stepping into the *sukka*. And if the *mitzva* was fulfilled only when one eats in the *sukka*, then the *berakha* should be recited after one sits down, just before he eats (as is the commonly accepted practice). The fact that Maimonides requires reciting the *berakha* specifically before one sits might suggest that he defined the *mitzva* of *sukka* as an obligation to sit in the *sukka*.

A number of later scholars assumed that Maimonides reached such a conclusion on the basis of the Torah's formulation in establishing the *sukka* obligation: “*Ba-sukkot teishevu shiv'at yamim*” (Vayikra 23:42). The word “*teishevu*” stems from the root “*y.sh.v.*” which lends itself to two meanings: residence, and sitting. It is commonly assumed that here, in reference to the obligation of *sukka*, the word is used to mean “*dwel*,” and the Torah obligates one to establish his primary residence in the *sukka*. It seems, however, that Maimonides interpreted “*teishevu*” in this verse to mean “*sit*,” such that the one fulfills the *mitzva* by sitting in the *sukka*.

Of course, this interpretation seems hardly plausible, as both the Rosh (Sukka 4:3) and the Ra'avad (critique to *Mishneh Torah*) note in rejecting Maimonides' ruling. Moreover, Maimonides himself explicitly cites this verse as establishing a requirement to “*reside*” in the *sukka*. Earlier in Hilkhos Sukka (6:5), he writes, “All seven days, a person must make his house temporary and his *sukka* primary, as it says, ‘*Ba-sukkot teishevu shiv'at yamim*.’” Clearly, Maimonides understood the verse as requiring that one reside in the *sukka*, not that one should sit in the *sukka*.

Why, then, does he rule that the *berakha* should be recited specifically before sitting in the *sukka*?

Rav Yosef Dov Soloveitchik (cited in Rav Herschel Schachter's *Eretz Ha-tzevi*, p.14) explained Maimonides' ruling based on a general rule regarding *berakhot* recited over *mitzva* performance. Namely, whenever the Sages established the recitation of a *berakha* over a *mitzva*, they required reciting the *berakha* before the performance of a specific *mitzva* act. Regardless of the essential definition of the *mitzva*, the *berakha* is

recited just before one performs the concrete action. Maimonides certainly agrees that one fulfills the *mitzva* of *sukka* the moment he enters the *sukka*. However, in his view, simply entering the *sukka* does not constitute a specific enough “*mitzva* act” to warrant reciting the *berakha*. One therefore does not recite the *berakha* until just prior to sitting, which constitutes the formal *mitzva* act.

The *Taz* commentary to the *Shulchan Arukh* (O.C. 643:2) suggests a simpler explanation: the *mitzva* is defined as establishing one’s residence in the *sukka*, for which sitting serves as the practical expression. As the *Taz* writes, one does not demonstrate permanence until he sits. When a person enters into a room temporarily, he will remain standing; sitting is the outward demonstration of a sense of permanence. Therefore, Maimonides required reciting the *berakha* before one sits, as it is through sitting that one express his permanent “dwelling” in the *sukka*, in fulfillment of the Torah obligation.