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Sukkah Daf 24

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. The Gemara concludes that Rabbi Meir maintains that we are concerned for the possibility of death and for this reason one cannot use an animal as the wall of a Sukkah. Rabbi Meir is not concerned, however, that a barrel will burst, for he can give it to a watchman, and for this reason one can drink the wine in a wineskin on Shabbos. He can then rely on the fact that he will separate Terumah and Maaser from the wine after Shabbos. If there was a concern that the wineskin might break, we would not permit such a leniency because he may never be able to separate the Terumah and Maaser. (24a1)

2. Rabbi Yehudah does not allow one to drink from the wine and rely on the fact that he will separate Terumah and Maaser after Shabbos – not because he is concerned that the wineskin might break, but rather because Rabbi Yehudah does not hold of the principle of *bereirah*, retroactive clarification. In this case the principle of *bereirah*

would dictate that the wine that he will separate in the future for Terumah and Maaser is already deemed to have been separated now. (24a1)

3. The *Gemora* asks: But is it accurate that Rabbi Yehudah is not concerned that the wineskin will break? But the latter part of the *braisa* stated: They said to Rabbi Meir: Do you not agree that we should be concerned that the wineskin might break (*before the terumah and ma’aser were actually separated*) and it will emerge that he was retroactively eating *tevel* (*untithed produce*)! Rabbi Meir answered them: We will concern ourselves with this only when the wineskin actually breaks. Evidently, Rabbi Yehudah is concerned that the wineskin might break!?

The *Gemora* answers: There, Rabbi Yehudah said to Rabbi Meir as follows: According to me, I do not hold the principle of *bereirah*, but according to

you, who does hold the principle of bereirah, will you not admit to me that there should be a concern that the wineskin might break? On that, Rabbi Meir answered: When it will break (we will worry about it). (24a1 – 24a2)

4. The *Gemora* asks: Is it accurate that Rabbi Yehudah is not concerned for death? But it was taught in a *Mishna*: Rabbi Yehudah said that they would prepare another wife for the Kohen Gadol before Yom Kippur, lest his present wife die (and it is said regarding the Kohen Gadol on Yom Kippur, *and he shall make atonement for himself and for his household*; the words *his household* refers to his wife).

The *Gemora* answers: It was stated regarding this: Rav Huna the son of Rav Yehoshua said: This was done because of a higher standard on account of the atonement (of Yom Kippur). (24a1 – 24a2)

5. The *Gemora* asks: Now whether according to the one who says that we are concerned that the animal will die, or according to the one who says that we are concerned that it will run away, the animal, according to Biblical law, is a valid partition, and it is only the

Rabbis who made a decree concerning it. But if this is so, it ought according to Rabbi Meir, convey *tumah* if it is used as a covering stone of a grave; why then have we learned in a *Mishna*: Rabbi Yehudah says: It is subject to the laws of *tumah* that are applicable to the covering stone of a grave, while Rabbi Meir declares it unsusceptible to such *tumah*?

The *Gemara* therefore cites two other reasons why an animal cannot be used as the wall of a Sukkah. One reason, says Rav Acha bar Yaakov, is because Rabbi Meir maintains that a wall that stands only because of breath is not deemed to be a wall. [The breath of the animal, an intangible item, is what causes the wall to remain standing.] Alternatively, it is only deemed to be a wall if it is made by man.

The *Gemora* notes a practical difference between them: If one propped up a wall with an inflated wineskin. According to the one who says that a wall that stands only because of breath is not deemed to be a wall, this is standing because of breath (and is therefore invalid). According to the one who says that it is only deemed to be a wall if it is made

by man, here it is made by man. (24a3 – 24b1)

6. The Gemora cites a braisa in which Rabbi Yossi Hagelili explains his source for invalidating something live for a get. The verse says that the husband will write for his wife *sefer kerisus* – a book of separation. From the word *sefer* we would think that he must write it on the material used for writing a *sefer Torah*, i.e., parchment. The verse therefore prefaces this with the more general phrase *v'kasav lah* – and he will write for her, including other materials as well. The word *sefer* therefore teaches us that the material must be like parchment, i.e., inanimate and not food. The Sages differ with this explanation, since the verse does not say *besefer* – in a book, but *sefer*, which means a document which tells a *sipur* – story of their separation. They therefore say that the verse which says *v'kasav lah* teaches that she may only be divorced in writing, since we may have thought that divorce can be done in the same methods as marriage, as they are mentioned in the same verse. Rabbi Yossi Hagelili says that we learn this from the phrase *sefer kerisus*, which teaches that only a *sefer* (written document) can separate them. The Sages say that this phrase

teaches that the document must be a final separation, leaving no attachment to her husband.

The Gemora illustrates this requirement with a braisa which says that a divorce is valid if the husband makes it conditional on the wife not going to her father's house for 30 days, but not if the condition is that she never visit her father's house, as that is residual attachment the husband has to his wife. Rabbi Yossi Hagelili learns this from the fact that the verse uses the word *kerisus* and not *kares*, while the Sages say that difference is immaterial and therefore cannot teach us this requirement. (24b1-24b2)

7. The Mishna rules that if one constructs his Sukkan between trees and the trees are serving as the walls of the Sukkan, the Sukkan is valid. (24b2)
8. Rav Acha bar Yaakov states that the walls of the Sukkan must be able to withstand a usual wind.

The *Gemora* asks from our *Mishna*, which states that if one constructs his Sukkan between trees and the trees are serving as the walls of the Sukkan,

the Sukkah is valid. But aren't the walls swaying to and fro?

The *Gemora* answers that the *Mishna* is referring to stiff tree trunks (which do not sway).

The *Gemora* asks: But what about its branches?

The *Gemora* answers that the *Mishna* is referring to a case where the branches were tied together with branches of palm and bay trees.

The *Gemora* notes the novelty of this: I might have thought that a decree should be enacted (to invalidate the walls) lest one come to use the tree (on Yom Tov); the Tanna therefore informs us that this is not the case. (24b2 – 24b3)

INSIGHTS TO THE DAF

Huff and Puff and Blow those Walls Down

The Gemara states that the walls of a Sukkah have to be able to withstand a usual wind.

The Rambam in his commentary to the Mishnayos writes that the walls of the Sukkah must be strong enough that the wind will not blow them down. It would seem from the words of the Rambam that it is sufficient if the walls do not fall down, even if they sway in the wind.

From *Rabbi Yosef Kapach's* edition of the Rambam, however, it appears that the Rambam maintains that the walls cannot sway at all.

The Ritva writes explicitly that the walls cannot sway. *Sefer Emek Bracha* understands the Rambam in Mishneh Torah to be in accordance with the opinion of the Ritva. There is a *Halacha LeMoshe MiSinai* that states that the walls must be sturdy enough that they do not sway in the wind.

This would also be the explanation of the Magen Avraham's ruling that if the Sukkah was enclosed and the walls were such that if the Sukkah was located outside, the walls would fall, the Sukkah is invalid. The reason for this is because there is a *Halacha LeMoshe MiSinai* that states that the walls must be strong and if the walls are not sturdy enough, the Sukkah is deemed to be lacking walls and the Sukkah is thus invalid.

Based on this reasoning, we can resolve a question that is posed by some of the *Acharonim*. The *Acharonim* wonder what the Halacha would be if a Sukkah has sturdy walls but it cannot

withstand an unusual wind. When an unusual wind blows and the walls sway in the wind, is the Sukkah still deemed to be valid while the walls are blowing? We can suggest that the Sukkah would be valid because the requirement of a Sukkah wall is that the wall can withstand a usual wind and a Sukkah with sturdy walls can certainly withstand a usual wind. Although the Sukkah sways in the wind, we are not concerned and the Sukkah is deemed to be valid.

Canvas Walls

When one uses a canvas Sukkah, there is a concern that the walls will flap in the wind and this will invalidate the walls. The Poskim suggest that one can tie ropes or reeds from one side of the Sukkah to the other. The ropes or reeds must be within three tefachim of each other, thus applying the principle of lavud, and this would obviate the need for the canvas walls.

The *Chazon Ish* rules that the walls cannot sway more than three tefachim. One must wonder if this means that the walls cannot sway three tefachim in each direction or does it mean that the walls cannot sway three tefachim entirely.

The Mishnah states that if one makes his Sukkah among the trees and the trees serve as walls for the Sukkah, the Sukkah is valid.

This statement can be interpreted homiletically to mean that a Sukkah, which symbolizes man's frailty, should be built amongst the trees, i.e. the righteous, who are likened in Scripture to trees. When the spies returned from Eretz Yisroel with their disparaging report, Calev responded to them, "*their protection has departed from them; HaShem is with us. Do not fear them.*"

The Medrash states that the protection of the Canaanites was Iyov, a righteous person, who had died. Thus, we see that the righteous are referred to as the protectors, and the righteous protect the nation just like a Sukkah provides shade for one dwelling inside. When one dwells in the Sukkah, he is not alone, because the *Ushpizin*, the seven righteous Patriarchs and leaders of the past, are also with him in the Sukkah.

DAILY MASHAL

Dwell amongst the Righteous