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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

Rav Shmuel bar Yitzchak stated: The halachah is that [the Sukkah] must be able to contain his head, the greater part of his body, and his table. Rabbi Abba said to him: In agreement with whom is this ruling? Is it in agreement with Beis Shammai?<sup>1</sup> - The other answered him: According to whom else?

Another version: Rabbi Abba said to him: Who holds this opinion? - He answered: Beis Shammai, and<sup>2</sup> do not budge from it’.

Rav Nachman bar Yitzchak challenged him: From where do we know that Beis Shammai and Beis Hillel are in dispute concerning a small Sukkah? Perhaps their dispute concerns a large Sukkah, as for instance, where a man sat at the entrance of the Sukkah with his table inside the house, Beis Shammai holding the opinion that we prohibit it lest he be drawn after the table, while Beis Hillel hold that we do not prohibit it? This, furthermore, may be deduced also [from the wording], for it was stated, ‘If his head and the greater part of his body were within the Sukkah but his table was within the house, Beis Shammai declare it invalid, and Beis Hillel declare it valid;’ but if it is [as you say]<sup>3</sup> it ought to read: [If the Sukkah can] contain, or cannot contain [his head etc.].<sup>4</sup> - But do they not dispute concerning a small Sukkah? Has it not in fact been taught: [If a Sukkah can] contain his head, the

greater part of his body and his table, it is valid. Rebbe says: It must be four cubits square. While in another [Baraisa] it has been taught: Rebbe says: Any Sukkah which is not four cubits square is invalid, while the Sages say: Even if it can contain only his head, and the greater part of his body it is valid. Whereas of ‘his table’ there is no mention. Doesn’t thus a contradiction arise between the two [Baraisos]? We must consequently infer from there that one is [according to] Beis Shammai, and the other according to Beis Hillel!<sup>5</sup>

Mar Zutra observed: The wording of this Mishnah also proves it, since it says: Beis Shammai declare it invalid, and Beis Hillel declare it valid, and if it were [as you say]<sup>6</sup> it ought to read: Beis Shammai say: He has not fulfilled his obligation while Beis Hillel say that he has. But don’t the words: He [whose head etc.] were present a difficulty? — The fact is that they differ on two [points], on a small Sukkah and a large one, but it is as if there are missing words in the Mishnah and is to be read as follows: He whose head and the greater part of his body were within the sukkah and his table within the house, Beis Shammai say: He has not fulfilled his obligation and Beis Hillel say: He has; and if it is [able to] contain only his head and the major part of his body alone, Beis Shammai declare it invalid and Beis Hillel valid.<sup>7</sup> (3a1 – 3a3)

<sup>1</sup> It cannot be in agreement with Beis Hillel who do not require a Sukkah to be capable of containing also one’s table.

<sup>2</sup> Although the halachah is usually according to Beis Hillel.

<sup>3</sup> That the point at issue is a small Sukkah.

<sup>4</sup> It may, therefore, be concluded that the point at issue is a Sukkah that was large.

<sup>5</sup> Which proves that Beis Shammai and Beis Hillel dispute concerning a small Sukkah.

<sup>6</sup> That the dispute related to a large Sukkah.

<sup>7</sup> The Gemara concludes that Beis Shammai and Beis Hillel disagree in two instances regarding the minimum dimensions that are required for the Sukkah to be valid. Beis Shammai maintains that the Sukkah must be large enough to accommodate one’s head, most of his body and his table. Beis Hillel maintains that it is sufficient even if the Sukkah cannot accommodate the table. Beis Hillel and Beis Shammai also disagree regarding a large Sukkah that is adjacent to a house and the table is inside the house. Beis Shammai maintains that one does not discharge his obligation in this manner as we are concerned that he will be drawn after his table which is in the house and Beis Hillel disagrees.

Who is the authority for that which our Rabbis taught: A house which is not four cubits square is exempt from the obligations of Mezuzah, and from Ma'akeh (a protective fence), does not contract tumah from tzaraas, is not irredeemable among the dwelling houses of a walled city,<sup>8</sup> nor does one return on its account from the ranks of the warriors, nor need an eiruv be prepared for it,<sup>9</sup> nor shittuf,<sup>10</sup> nor does one place in it an eiruv,<sup>11</sup> nor make of it a protrusion<sup>12</sup> between two cities, nor can brothers or partners divide it?<sup>13</sup> Must we say that it agrees with Rebbe,<sup>14</sup> and not with the Rabbis?<sup>15</sup> — No! One can even say that it agrees with the Rabbis. The Rabbis say it only with regard to a Sukkah which is a temporary abode, but with regard to a house which is a permanent abode, even the Rabbis admit that if it has an area of four cubits square, people dwell in it, otherwise, they do not dwell in it. (3a3 – 3b1)

The Master said, 'It is exempt from the obligations of Mezuzah, and from Ma'akeh (a protective fence), does not contract tumah from tzaraas, is not irredeemable among the dwelling houses of a walled city,<sup>16</sup> nor does one return on its account from the ranks of the warriors'. What is the reason? — Because the term 'house' occurs in all [these commandments]. (3b1)

<sup>8</sup> Houses in walled cities, if sold, were irredeemable after twelve months, and remained in perpetuity the buyers'. A structure less than four cubits square is not regarded as a 'house', and none of the above-mentioned laws are applicable to it. It may be redeemed at any time, and if it was not redeemed it returns to the seller in the Yovel year.

<sup>9</sup> A house that is less than four cubits square is not required to contribute to an eiruv along with all the other houses in the courtyard.

<sup>10</sup> In order to permit the carrying between a courtyard and an alleyway.

<sup>11</sup> The eiruv for the courtyard cannot be placed in this house.

<sup>12</sup> A house between two cities' (situated at a distance of a hundred and forty-one and a third cubits from each other – the size of two karpafs) 'extends' the boundaries of each if it was midway between both cities. The two cities are then treated as one, and walking from one to the other and along distances of two thousand cubits from each city in all directions is permitted on the Shabbos.

<sup>13</sup> If it fell to brothers as an inheritance, or if it belonged to partners who wish to dissolve their partnership.

<sup>14</sup> Who regards a Sukkah less than four cubits square as invalid.

<sup>15</sup> Is it likely, however, that an anonymous Baraisa represents the view of an individual against that of the majority?

<sup>16</sup> Houses in walled cities, if sold, were irredeemable after twelve months, and remained in perpetuity the buyers'. A structure less than four cubits square is not regarded as a 'house', and none of the above-mentioned laws are applicable to it. It may be redeemed at any time, and if it was not redeemed it returns to the seller in the Yovel year.

'Nor need an eiruv be prepared for it, nor shittuf, nor does one place in it an eiruv. What is the reason? - Since it is unsuitable as a dwelling.<sup>17</sup> Now the eiruv of courtyards is not placed in it, but a shittuf may be placed in it. What is the reason? — Since it is no worse than a courtyard within a mavoi,<sup>18</sup> as we have learned: 'The eiruv of courtyards [are placed] in a courtyard, and the shittuf of a mavoi in the mavoi, and the point was raised: [How can it be said that], 'The eiruv of courtyards [are placed] in a courtyard'? Have we not in fact learned: If a man placed his eiruv in a gatehouse, portico, or in a gallery, it is not a valid eiruv, and he who dwells in there does not restrict the others [from carrying].<sup>19</sup> — Say rather: Eiruv of courtyards [are placed] in a house of the courtyard, and the shittufs of mavois in a courtyard of the mavoi; and this<sup>20</sup> is no worse than a courtyard in a mavoi. (3b1 – 3b2)

'Nor make of it a protrusion<sup>21</sup> between two cities'. Since it is not regarded even as huts. What is the reason? - Huts are suitable for their purpose, but this is unsuitable for anything. (3b2)

<sup>17</sup> And consequently unfit for an eiruv whose function is to combine all the residents into one group that virtually dwells in the house where it is deposited. For the same reason only the resident of a house that is suitable as a dwelling imposes restrictions on his neighbors unless he joined in the eiruv. One that is unsuitable may be regarded as non-existent.

<sup>18</sup> Although the eiruv for the courtyard cannot be placed in a house that is less than four cubits square, the *shittuf* (a device that allows carrying between a courtyard and a *mavoi*, which is accomplished by the courtyards mutual contribution of food) for a *mavoi* can be placed in this house. The reason for the distinction between an eiruv and a *shittuf* is because the purpose of an eiruv is to allow all the residents of a courtyard to be legally viewed as dwelling in one house and the house where the eiruv is deposited must be fit for dwelling, i.e. one that measures at least four amos squared. A *shittuf* for a *mavoi*, however, functions as a merger of all the courtyards of the *mavoi* for their use but not for dwelling. As long as the *shittuf* is placed in a protected area of the courtyard, the *shittuf* is valid, so a structure that is less than four cubits square also qualifies for the placement of the *shittuf*.

<sup>19</sup> How then could it be said that an eiruv deposited in an open courtyard is valid?

<sup>20</sup> A house less than four cubits square.

<sup>21</sup> A house between two cities' (situated at a distance of a hundred and forty-one and a third cubits from each other – the size of two karpafs) 'extends' the boundaries of each if it was midway between both cities. The two cities are then treated as one, and walking from one to the other and along distances of two thousand cubits from each city in all directions is permitted on the Shabbos.

‘Nor can brothers or partners divide it’. The reason apparently is that it is not four cubits square, but if it were four cubits square, [presumably] they could divide it.<sup>22</sup> But have we not learnt: A courtyard should not be divided unless there be four cubits to each [of the parties]? — Say rather, the law of division does not apply to it, as [it does in the case of] a courtyard. For Rav Huna ruled: ‘A courtyard is divided according to the number of its doors’, and Rav Chisda said: ‘Four cubits are allowed for each door and the remainder is divided equally’, but this<sup>23</sup> applies only to a house which is intended to stand, [and therefore] we allow it a [share in the] courtyard; but as to this [a house less than four cubits square] which is intended to be demolished, we do not allow it [a share in the] courtyard.<sup>24</sup> (3b2 – 3b3)

## INSIGHTS TO THE DAF

### ***A Sukkah without a Table***

The Gemara concludes that Bais Shammai and Bais Hillel disagree in two cases. They debate the minimum size of a Sukkah, as Bais Shammai maintains that a Sukkah must be large enough to accommodate one’s head, most of his body and the table. Bais Hillel, however, maintains that a Sukkah must be able to accommodate one’s head and most of his body, even if the table cannot be accommodated. Bais Shammai and Bais Hillel further disagree regarding a large Sukkah that is adjacent to a house and the table is in the house. Bais Shammai maintains that one does not discharge his obligation in this manner for we are concerned that he will be drawn after his table that is in the house and Bais Hillel disagrees. Tosfos concludes that the halacha is in accordance with Bais Shammai regarding a small sukkah and the Sukkah must be able to accommodate the table as well. Regarding a larger Sukkah, however, the halacha is in accordance with

Bais Hillel and the table is not required to be in the sukkah. The Rif and the Rambam disagree with Tosfos and they maintain that the halacha in both cases is in accordance with Bais Shammai and the table is required to be in the Sukkah. The *Pri Megadim* in Orach Chaim 634:2 writes that if one ate in a Sukkah and the table was in the house, he does not even discharge his biblical obligation, because once the Chachamim instituted that the table is required to be in the Sukkah, he can no longer discharge his obligation. The *Pri Megadim* concludes that in such a case one would be required to recite another *Shehechyanu* blessing after he brings the table into the sukkah.

### ***Corners of the Sukkah***

The *Magen Avraham* in Orach Chaim 634 rules that one does not discharge his obligation when sitting in a corner of a large sukkah that does not have seven squared tefachim. The reason for this is because such a small area cannot accommodate one comfortably. The *Magen Avraham* cites our Gemara as proof to this, for the cubicle where Queen Helena was sitting was not deemed to be part of the large sukkah. The *Biur Halacha* quotes the *Bikkurei Yaakov* who questions this proof, as perhaps our Gemara considers the cubicles to be a separate entity because there is a wall that separates the cubicle from the Sukkah. Regarding a corner of the Sukkah that does not have separations, however, the corner could be considered part of the sukkah? *Rabbi Dovid Goldberg* wonders from where in our Gemara the *Bikkurei Yaakov* knows that there was a dividing wall between the cubicle and the Sukkah.

### ***Is Forty-nine Equal to Seven by Seven?***

According to our version of Tosfos, they rule that a Sukkah would be deemed valid if it is longer than seven tefachim,

<sup>22</sup> I.e., presumably they could compel each other to divide.

<sup>23</sup> That house owners are entitled to certain shares in their common courtyard.

<sup>24</sup> Two brothers inherited a courtyard that contained one large house and three small ones, and the brothers divided the houses, with one brother receiving the large house and the other receiving the three small ones. Rav Huna maintains that the brother who received the three houses is entitled to three-quarters of the courtyard while the owner of the large house receives the remaining quarter. His reasoning is that the courtyard functions primarily as a passageway between one’s house and the street and as a place where packages can be

delivered and unloaded, so any claim to courtyard area is directly related to the amount of houses one owns in the courtyard. Rav Chisda, however, maintains that each brother receives four amos for each and every entrance and the partners divide the remaining section of the courtyard equally. A house that is less than four squared amos is not awarded part of the courtyard because only a house that will endure is awarded part of the courtyard, whereas this house that is not four squared amos is destined to be destroyed. This renders the house unusable and we do not award it part of the courtyard for its needs.

even if it is not seven tefachim wide. It would thus seem that a Sukkah that is more than forty-nine squared tefachim would be valid. There is a version in Tosfos that is brought down on the side of our Gemara that disagrees with this and maintains that a Sukkah must be seven tefachim in the length and in the width.

### **Mitzvah of Maakeh**

The Gemara states that one is exempt from building a protective fence around the roof of a house that is less than four squared amos because it is not considered a house. The commentators wonder how this can be, because if one does not erect a protective fence around his roof, he is placing others lives in danger. It is said regarding erecting a protective fence *so that you will not place blood in your house*. The Gemara in Bava Kamma 15b derives from these words that one is not even permitted to own a wild dog in his house and one is prohibited from having a rickety ladder in his house. Certainly one should be required to build a protective fence around the roof of his house even if the house is less than four squared amos. The *Chazon Ish* in Yoreh Deah 214 answers that in truth, a roof is not considered to be a dangerous area, and one is not liable for violating the prohibition of placing a stumbling block before his fellow. It is accepted that one who climbs on a roof must be careful. Nonetheless, the Torah mandates that one who builds a house is required to erect a protective fence on the roof and there are halachic parameters regarding this procedure. A house that is less than four squared amos is not deemed to be a house regarding this halacha. The *Eimek Bracha* adds that this explains why one is not allowed to erect a protective fence on *Chol HaMoed*, the intermediate days of Pesach and Sukkos, although one would be permitted to build and repair other items if one is afraid of a burglary. The reason one cannot erect a protective fence on *Chol HaMoed* is because a lack of a protective fence is not a definite danger. In order to be permitted to build or effect a repair on *Chol HaMoed*, it must be a *davar havud*, a case of substantial financial loss, and since the lack of a protective fence is not considered a *davar havud*, one is prohibited from building a protective fence on *Chol HaMoed*.

### **Blessing for a Protective Fence**

Rabbi Akiva Eiger wonders why one is required to recite a blessing when erecting a protective fence for the roof of his house. Tosfos in Chullin 105a rules that one does not recite a blessing when washing mayim acharonim, the waters before reciting Bircas HaMzaon, because one is required to wash so that he will not be harmed by melach sedomis, waters of Sodom. It would follow that one should not be required to recite a blessing when erecting a protective fence because he is merely doing so to prevent one from being harmed. Rabbi Dovid Goldberg answers that according to the Chazon Ish, a protective fence is not required to prevent one from definite danger. Rather, the Torah requires that one erect a protective fence even if there is a slight possibility that one would be harmed if there was no fence. For this reason there is still a requirement to recite a blessing when erecting a protective fence.

### **DAILY MASHAL**

#### **Four Amos wherever we Go**

The Gemara states that regarding a mezuzah, a protective fence around the roof, tzaraas afflictions, houses of walled cities, and regarding returning from the ranks of the warriors, the Torah uses the word *bayis*, and a house that is less than four amos squared is not considered a *bayis*. The Gemara in Brachos states that since the day the Bais HaMikdash was destroyed, Hashem has nothing in this world but the four amos of halacha. Four amos is a significant area with regard to halachic matters. Furthermore, four amos is the space that is allotted for one person. One who is engaged in the study of Torah is deemed to be the resting place of the Divine Presence in exile, and this idea corresponds to the concept that wherever the Jewish People were exiled, the Divine Presence was exiled with them, i.e. in the study halls of the Diaspora. May we merit that HaShem restore the Bais HaMikdash and that the Divine Presence rest again on the Great Sanhedrin in the *Lishkas HaGazis*, the Chamber of Hewn Stone in the Bais HaMikdash.