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Sukkah Daf 6

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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 Chiya bar Ashi citing Rav stated: The laws concerning measures, interpositions and partitions are [a part of the] halachah that was given to Moshe on Sinai.

The *Gemora* asks: But the laws regarding measurements are of Scriptural origin, for it is said: *Eretz chitah useorah vegefef useainah verimon Eretz zeis shemen udevash*, a land of wheat and barley and vines and figs and pomegranates, a land of oil [-producing] olives and [date] honey. And Rav Chanin said: We derive from this verse the following rulings regarding measurements: the word *wheat* teaches us that one who enters a house that was afflicted with *tzara’as* carrying his clothing on his shoulders and shoes and rings in his hands, both he and his belongings become *tamei* immediately. If he was wearing his clothing and had shoes on his feet and rings worn on his fingers, he becomes *tamei* immediately but his clothing shoes and rings only become *tamei* if he carries in the house the amount of *kedei achilas haperas*, the amount of time it takes one to eat a half a loaf of bread. The bread must be wheat bread and not barley bread, and the bread must be eaten while he is reclining and together with a relish. [The reason for this is that wheat bread is eaten quicker than barley bread, and one eats quicker while reclining and while eating the bread with relish.]

*Barley* mentioned in the verse teaches that which we learned in a Mishnah that the bone of a human that is the size of a barley kernel generates *tumah* through touching or by being carried, but does not generate *tumah* by being under a tent.

The corpse or even part of a corpse will generate *tumas ohel*, *tumah* under a roof.

The word *vine* mentioned in the verse teaches us that a *nazir* must drink a *revi’is*, a quarter *log* of wine, in order to incur the punishment of lashes for having violated his vow.

The word *figs* teaches us that one is liable for carrying on *Shabbos* if he carries from one domain to another the size of a dried fig.

The word *pomegranates* mentioned in the verse teaches us that since the householder does not throw out utensils so easily, the utensils are considered susceptible to *tumah* until it contracts a hole the size of a pomegranate.<sup>1</sup>

The words *a land of oil producing olives* teaches us that *Eretz Yisroel* is a land whose every measurement is the size of an olive. [This ruling refers to the laws governing the consumption of *cheilev*<sup>2</sup>, blood, *nosar*<sup>3</sup>, *piggul*<sup>4</sup>, *tamei*, *neveilah*<sup>5</sup>, a *tamei* animal, the flesh of a dead person regarding *tumas ohel*<sup>6</sup>, and touching *neveilos*.] – Can it enter your mind that every measure is an olive volume, but there are those measures we mentioned above? Rather, say, the *majority* of measures are the size of olives.

The words *date honey* teaches us that a large date is the minimum size that one is liable for eating on *Yom Kippur*.

<sup>1</sup> A craftsman sells his utensils, so for a craftsman, even a utensil with a small hole is considered unfit for use and is thus no longer susceptible to *tumah*.

<sup>2</sup> Forbidden fats

<sup>3</sup> Sacrificial meat that has been leftover beyond the time that the Torah designated for its consumption

<sup>4</sup> a korban whose avodah was done with the intention that it would be eaten after its designated time

<sup>5</sup> Carcass of an animal that was not slaughtered properly

<sup>6</sup> If the *tumah* source and a person or object is under the same roof

Evidently, measures are of Scriptural origin!? The Gemora answers: Do you really maintain that they are Biblical in nature? Are the measures explicitly written in the Torah? These laws are not derived from the text of the Torah itself. Although the Torah lists the seven species and we derive from each specie laws concerning measurements, the verses themselves are merely an *asmachta*, rulings that the Chachamim supported with verses from the Torah. The actual rulings are Halachah LeMoshe MiSinai. (5b3 – 6a2)

The Gemora asks: But laws regarding interpositions are of Scriptural origin, for it is written: *and he shall bathe his entire body in water*. This teaches us that nothing can separate between the person's body and the water that he is immersing in.

The Gemora answers: The oral law was necessary regarding one's hair (*that the hair of a person can invalidate his immersion in a mikvah*), in accordance with the ruling of Rabbah bar Bar Chanah, for Rabbah bar Bar Chanah said: One hair that is knotted is considered a barrier between the person and the water. Three hairs are not considered a barrier, and two is uncertain whether they are considered a barrier or not.

The Gemora asks: Aren't the laws regarding hair (*that it is considered a barrier*) Biblically ordained? For it is said: *and he shall bathe his entire body*. The word *es*, the, includes something that is secondary to his skin, and that is one's hair.

The Gemora answers: The statement that *chatzitzin* are Halachah LeMoshe MiSinai refers to the laws (concerning a major part and minor part, and one who is particular and one who is not particular, as was) taught by Rabbi Yitzchak, for Rabbi Yitzchak said: Biblically speaking, a barrier that covers most of one's body and the person is particular about is considered a *chatzitzah* and the immersion is invalid. If one is not particular about the barrier, then even if the barrier covers most of the body, it is not considered a *chatzitzah* from a Biblical standpoint. The Chachamim, however, decreed that if the barrier covers most of the body, even if

one is not particular about the barrier, the immersion in the *mikvah* is invalid. This decree was enacted on account of a barrier that covers most of the body and one is particular about, which invalidates the immersion from a Biblical standpoint. The Chachamim also decreed that a barrier that only covers a minor part of the body and one is particular about invalidates one's immersion in a *mikvah*. This was instituted on account of a barrier that covers most of the body and one is particular about, which Biblically invalidates one's immersion.

But let them decree regarding a barrier that covers only a minor part of the body and one is not particular about invalidates one's immersion on account of a barrier that covers only a minor part of the body but one is particular about and does invalidate the immersion, or on account of a barrier that covers a major part of the body and one is not particular about but invalidates the immersion? The Chachamim did not institute such a decree because the laws that state that a barrier that covers only a minor part of the body but one is particular about invalidates the immersion, and that a barrier that covers a major part of the body and one is not particular about invalidates the immersion, are themselves Rabbinical decrees. They are merely safeguards, and we do not enact a decree to safeguard another decree. (6a2 – 6b1)

The Gemora notes: That which Rav said that the laws of partitions were taught directly to Moshe at Mt. Sinai is referring to that which was said above (that the height of the Sukkah walls must be at least ten tefachim high).

The Gemora asks: This is understandable according to Rabbi Yehudah (who maintains that the amah in the Beis HaMikdash consisted of five tefachim, and accordingly, the measurements of the walls of a Sukkah cannot be derived from the Ark and its Cover, and therefore it was necessary to teach it at Sinai); but according to Rabbi Meir (who holds that that the amos in the Beis HaMikdash were of six tefachim, and accordingly, the height of the Sukkah walls can be derived from there), what is there to say (why was it

necessary to teach the laws of Sukkah measurements at Sinai)?

The *Gemora* answers: That the tradition refers to the laws of *god* – extension (a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be deemed to touch the ground and the ceiling respectively), *lavud* - junction (small spaces, of less than three tefachim, are disregarded, and the wall is deemed to be a solid whole) and *dofan akumah* - the bent wall (if a portion of the roof of a Sukkah consists of materials that are legally unfit for the purpose, the Sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four amos from that wall; that portion of the roof together with the wall it adjoins are regarded as one bent wall, and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper Sukkah). (6b1)

The *Mishnah* had stated: A Sukkah which does not possess three walls is invalid.

The *Gemora* cites a *Baraisa*: The *Chachamim* maintain that a *sukkah* requires two complete walls and a third wall that is at least a *tefach* (*handbreadth*) long. Rabbi Shimon, however, maintains that a *sukkah* requires three walls and a fourth wall that must be at least a *tefach*. Regarding what issue do they disagree? - The *Chachamim* hold that that the way a word is written (*lamesores*) is determinant in Biblical exposition, while Rabbi Shimon holds that the way a word is pronounced is determinant. The *Chachamim*, holding that that the way a word is written is determinant, argue that as the word “*basukkos*,” which occurs three times, is written once in the plural (*with a “vav”*) and twice without a “*vav*,” totaling in all four references. So, subtracting one as required for the *mitzvah* itself (*of sitting in a sukkah*), we are left with three. The *Halachah le’Moshe mi’Sinai* comes and reduces the third (*wall*) and establishes it at a *tefach*. Rabbi Shimon, however, is of the opinion that the way a word is pronounced is determinant and consequently all the three “*basukkos*” are to be read in the plural, making a total of six.

One of these (*words*) is required for the *mitzvah* itself, leaving four references. The *Halachah le’Moshe mi’Sinai* comes and reduces the fourth (*wall*) and establishes it at a *tefach*.

The *Gemora* suggests an alternate explanation: They both may maintain that the way a word is pronounced is determinant, and here, they argue the following point: The *Chachamim* maintain that a special verse is necessary for the *s’chach* (*cover*), while Rabbi Shimon holds that the *s’chach* for a *sukkah* needs no Scriptural verse (*for without the s’chach, it is not a sukkah at all*). [*The dispute has nothing to do with the word “sukkos,” and the amount of times it is spelled with or without a “vav.”*]

Alternatively, they both may hold that that the way a word is written is determinant, and the argument between them is as follows: The *Chachamim* maintain that the *Halachah le’Moshe mi’Sinai* comes and reduces (the third (*wall*) and establishes it at a *tefach*), whereas Rabbi Shimon holds that the *Halachah le’Moshe mi’Sinai* comes and increases (that three walls are not sufficient; a fourth wall is necessary).

The *Gemora* offers a fourth explanation: They both maintain that the *Halachah le’Moshe mi’Sinai* comes and reduces, and they both maintain that the way a word is written is determinant, and the argument here is regarding the expounding of the first verse: Rabbi Shimon holds that the first verse is also expounded (and therefore the four verses teaches the requirement of four walls, and the tradition reduces the fourth wall to the minimum of a tefach), whereas the *Chachamim* maintain that the first verse is not expounded (for it is necessary for it itself; it emerges that we have three verses teaching us the requirement of three walls, and the tradition reduces the third wall to the minimum of a tefach).

Rav Masnah suggests a final explanation: Rabbi Shimon derives his reasoning from the verse: And there shall be a Sukkah for a shade from the heat in the daytime, and for a protection and a refuge from storm and from rain (which can only be accomplished with a fourth wall). (6b2 – 6b3)

## INSIGHTS TO THE DAF

### Majority Rules

Rabbi Shlomo Kluger writes that there is a novel idea that can be derived from the *halacha LeMoshe MiSinai* that teaches us biblical measurements. If these measurements would only be derived from a verse in the Torah, we would apply the principle of *rubo kikulo*, a majority of a matter is akin to the entire matter. The *halacha LeMoshe MiSinai* therefore teaches us that one is required to immerse in a mikveh that contains forty *se'ah* and it would not be sufficient if there would be just thirty-nine *se'ah*. Furthermore, one will not fulfill his obligation of eating *matzah* by eating anything less than a *kezayis*, because the halacha teaches that one must eat the full the entire amount. The *Chasam Sofer* disagrees and maintains that one cannot apply the principle of *rubo kikulo* in these instances, because a majority is sufficient as long as there is a complete matter. The *Chasam Sofer* cites a number of examples to prove this point. One example would be if the entire Sanhedrin convened, they can rule according to the majority opinion. It is obvious, however, that we do not convene a majority of the Sanhedrin and allow them to rule. Another example would be that if ten people convene to hear *borchu* and seven of them have not yet heard *borchu*, the group is deemed to have comprised a *minyan* quorum. Nonetheless, we cannot merely convene seven men and allow them to reckon themselves as a *minyan* quorum by applying the principle of a majority. Similarly, a mikveh is required to contain forty *se'ah* and then can we apply the principle of majority.

### Father and Mother

There is a debate in the Gemara if a Sukkah requires two full walls and a third wall that is at least a tefach or should there be three complete walls. This debate is based on whether one reads the word *Sukkos* in the Torah with the letter *vav* or without the letter *vav*. The Chachamim maintain that we say *yeish eim lemasores*, the transmitted written form has primacy, whereas Rabbi Shimon maintains that *yeish eim lemikra*, the pronounced form has primacy. The Rif was questioned as to why the Gemara uses the word *eim*, which

means mother, and not *av*, which means father. A similar question would be that the Gemara refers to one of the thirteen principles of Biblical hermeneutics as a *binyan av* and not a *binyan eim*. The Rif initially responded that he never heard anyone shed light on this matter, but then he proceeded to offer a possible explanation. When the purpose of a principle is to teach a concept in a different area, the Gemara uses the term *av*, whereas if the discussion at hand is regarding relying on a principle, the Gemara uses the word *eim*.

*Shearim Mitzuyanim B'Halacha* explains the words of the Rif. The mother is the *akeres habayis*, the mainstay of the house as it is said *every honorable princess dwelling within*. For this reason we say *yeish eim lemikra* or *yeish eim lemasores*, as the mother is the central figure in the house and it is the mother who everyone is dependant upon. The father, on the other hand, is not usually found in the house, as he leaves the house to seek a livelihood. The principle of a *binyan av*, however, is that we are building from one location to another, and this is analogous to a father who influences others. (See *Rabbeinu Bachye* to Devarim 33:8 for further discussion on the differences between the father and mother.)

### Fruits of Eretz Yisroel as Measurements

The Gemara states that various halachos regarding measurements are derived from the verse that states *a land of wheat and barley and vines and figs and pomegranates, a land of oil [producing] olives and [date] honey*. Rashi on 5b writes that the verse is praising the fruits of Eretz Yisroel that serve as measures for various laws of the Torah. *Reshash* here corroborates the words of Rashi.

*Sfas Emes* adds that a possible reason that the verse specifically praises the fruits of Eretz Yisroel is because they are easier to eat. There are other Achronim who rule similarly.

*Shiurin shel Torah*, however, rules that we apply halachic measurements by using the fruits of each respective country.

It is worth noting that the Tosefta in Yoma states explicitly that when measuring the size of a date in regard to the prohibition of eating on Yom Kippur, we estimate with the dates found in Eretz Yisroel. *Shemuas Chaim* suggests that it is quite possible that regarding Yom Kippur, everyone is in agreement that we measure with the dates of Eretz Yisroel. The reason for this is that regarding Yom Kippur the deciding factor is whether one is satiated from what he has eaten and it would not be logical to presume that one's satiation is dependent on a respective location.

#### **Are Four Walls One too Many?**

Tosfos in Rosh Hashanah 28b wonders why one should be allowed to build a Sukkah from four walls when the Torah states explicitly that it is kosher with three walls. The problem with building a Sukkah of four walls is that one is prohibited from adding on to a mitzvah, and this prohibition is called *baal tosif*. Tosfos answers that since one is required to dwell in the Sukkah as if he would be living there, it is preferable that one has a structure of four walls and not three. *Olas Avrohom* explains Tosfos to mean that if one extended the walls of his Sukkah to be more than seven tefachim, he certainly has not transgressed the prohibition of *baal tosif*. The reason for this is because the Torah does not require that the walls must be seven tefachim. Rather, seven tefachim is the minimum requirement for the length of the walls. This would be akin to one who takes a lulav and esrog that is larger than the Torah requires. Regarding the minimum requirement of walls for a Sukkah, however, one would have thought that since the Torah stated that a Sukkah consists of three walls, perhaps one would be violating the prohibition of *baal tosif* by adding a fourth wall, as a fourth wall is completely unnecessary to fulfill the mitzvah. Tosfos therefore answers that in truth, it is preferable to build four walls as one will then be more comfortable when dwelling in the Sukkah.

The *Shelah* and *Pri Megadim* to Orach Chaim 643:4 rule that to fulfill the obligation of glorifying a mitzvah, which is derived from the verse that states *this is my G-d and I will*

*glorify Him*, one should build a Sukkah with four walls. One must wonder if it is prohibited to build a Sukkah of five walls because it is *baal tosif*.

#### **DAILY MASHAL**

##### **Three and a Bit**

The Gemara quotes a verse in Yeshaya as proof to the opinion of Rabbi Shimon that a Sukkah requires a fourth wall. The verse quoted states *and there will be a Sukkah as a shade from heat in the daytime, as a protection and refuge from storm and from rain*. The Gemara earlier used this verse as proof that until twenty amos a person sits in the shade of a Sukkah, but higher than twenty amos, one is not sitting in the Sukkah but in the shade of the walls. The *Aruch LaNer* wonders why Rabbi Shimon uses a verse from the prophets to teach a practical halachah.

One must also wonder why the Gemara continues to use this verse when the verse is referring to the Messianic Era. Perhaps we can suggest a Homiletical interpretation of this Gemara. The Medrash states that HaShem created the three directions of the world closed off and the fourth direction He left open. The reason for this is because HaShem says, "let the arrogant and the idol worshippers come and close the fourth wall." It would follow then that in the Messianic Era, when there will no longer be idol worship and no one will be arrogant, Hashem Himself will close the fourth wall of the world. Similarly, Rabbi Shimon maintains that a Sukkah requires three walls and a fourth wall of at least a tefach. This symbolizes that one should not be arrogant. Rather, one should be humble, as is reflected in the minimal measurement of the fourth wall, and then he will merit basking in the Divine Presence when HaShem in His glory closes off the fourth direction.