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Sukkah Daf 23

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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

MISHNAH: if one constructs a Sukkah on top of a wagon or a boat, it is valid and one is permitted to enter it on Yom Tov. If one constructs a Sukkah on top of a tree or a camel, it is valid and one is prohibited to enter it on Yom Tov. If a *Sukkah* is comprised of two walls in a tree and a third wall that is manmade, or if two of the walls are manmade and a third is in a tree, the *sukkah* is valid, but one cannot make use of the *sukkah* on Yom Tov. [The reason for this is that since a tree is supporting the *s’chach* (*sukkah* covering), and one places utensils and removes them from the *s’chach*, when one uses the *s’chach*, he is using the tree, which is forbidden on Yom Tov.] If three are made by man and a fourth is in a tree, it is valid, and one can make use of the *sukkah* on Yom Tov. This is the general rule: wherever it (*the schach*) can stand if the tree were removed, one may make use of the *sukkah* on Yom Tov. (22b3 – 23a1)

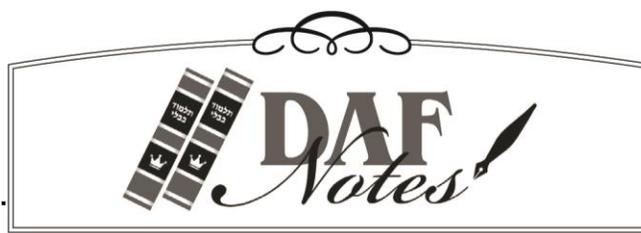
GEMARA: According to whom is our Mishnah? According to Rabbi Akiva, as it has been taught in a Baraisa: If one makes a Sukkah on a boat, Rabban Gamliel invalidates it and Rabbi Akiva validates it. The Gemara relates an incident where Rabban Gamliel and Rabbi Akiva were travelling on a boat [during Sukkos] and Rabbi Akiva constructed a Sukkah. The next day, a gust of wind blew the Sukkah off the boat. Rabbi Gamliel then said to Rabbi Akiva, “Akiva, where is your Sukkah now?” Abaye says: everyone agrees if the Sukkah [is so flimsy that it] would not be able to withstand a usual wind on dry land, the Sukkah is invalid. If the Sukkah could withstand an unusual wind, everyone agrees that it is valid. The dispute is regarding a case where the Sukkah can withstand a usual

wind blowing on dry land, but the Sukkah would not be able to withstand a usual wind on the sea. Rabban Gamliel is of the opinion that the Sukkah must be a permanent abode, and since it cannot withstand a usual wind on the sea, it is nothing, while Rabbi Akiva is of the opinion that the Sukkah must be a temporary abode, and since it can withstand a usual wind on the land, it is valid. (23a1)

The Mishnah had stated: Or on a camel. According to whom is our Mishnah? According to Rabbi Meir, as it has been taught in a Baraisa: If one constructed a Sukkah on the back of an animal, Rabbi Meir validates it, while Rabbi Yehudah invalidates it.

What is the reason of Rabbi Yehudah? — Since Scripture says: You shall make for yourself the festival of Sukkos for seven days. A Sukkah which is suitable for seven days is called a valid Sukkah; if it is unsuitable for seven days it is not called a valid Sukkah. And Rabbi Meir? — According to Biblical law this [Sukkah] is also suitable [for seven days], and it is only the Rabbis who decreed against it. (23a1 – 23a2)

If he used an animal as a wall of the Sukkah, Rabbi Meir declares it invalid and Rabbi Yehudah valid, for Rabbi Meir was wont to say: Whatever is alive can be made neither a wall for a Sukkah, nor a lechi for a mavoi, nor boards around wells, nor a covering stone for a grave. In the name of Rabbi Yosi HaGelili they said: Nor may a bill of divorcement be written upon it. What is the reason of Rabbi Meir? — Abaye maintains that we are concerned that the animal will die and the Sukkah will be without one



of its required walls. Rabbi Zeira maintains that we are concerned that the animal may run away, thus leaving the Sukkah without one of its required walls.

The *Gemora* elaborates: Concerning an elephant securely bound, all agree that the Sukkah is valid, since even if it will die, there is still ten tefachim (high) in its carcass. Regarding what then do they dispute? It is regarding an elephant which is not bound. According to the one who says that we are concerned that it will die, we are not concerned; according to the one who says that we are concerned that it might run away, we are concerned (in this case).

The *Gemora* asks: But according to the one who says that we are concerned that it will die, let us be concerned as well that it might run away?

The *Gemora* answers: Rather say as follows: Regarding an elephant which is not bound, all agree that the Sukkah is invalid; regarding what do they dispute? It is regarding an ordinary animal which is bound: According to the one who says that we are concerned that it will die, we are concerned for that; but according to the one who says that we are concerned that it will run away, we have no concern.

The *Gemora* asks: But according to the one who says that we are concerned that it will run away, let us be concerned as well that it will die?

The *Gemora* answers: Death is not a frequent occurrence.

The *Gemora* asks: But is there not an open space between the animal's legs (and it should be regarded as a breach)?

The *Gemora* answers: It refers to a case where he filled it in with branches of palms and bay trees.

The *Gemora* asks: But might it not crouch down (and be less than ten tefachim)?

The *Gemora* answers: It refers to a case where it was tied with cords from above.

The *Gemora* asks: And according to the one who says that we are concerned that it will die, is it not tied with cords from above (and therefore, it will not collapse)?

The *Gemora* answers: It may occur that it is made to stand within three tefachim of the s'chach (and thru the concept of lavud – the closing of the gap, the sukkah is deemed valid), but when it dies, it shrinks, and this might not enter his mind. (23a2-23b1)

Abaye understands that Rabbi Meir is concerned for the possibility of death and Rabbi Yehudah is not.

The *Gemara* questions this thesis from a Mishnah in Gittin that states that if a daughter of a non-Kohen was married to a Kohen, and he traveled abroad, the woman is permitted to eat terumah, for we assume that the husband is alive. And the *Gemora* there asked that this contradicts the following *Baraisa*: If a *Kohen* says to his wife: "Here is your *get* on the condition that it should take effect one moment before my death," she is forbidden from eating *terumah* immediately (*because we are concerned that he will die the next moment*)!? And Abaye answers that our *Mishnah* is in accordance with Rabbi Meir who is concerned for the possibility of death. The *Baraisa*, however, is following the opinion of Rabbi Yehudah who maintains that we are not concerned with the possibility of death.

This is proven from the following *Baraisa*: If someone buys wine from amongst the Cutheans (*converts to Judaism after an outbreak of wild animals in Eretz Yisroel and their conversion was debated as to its validity; they observed some commandments, but not others*) (*and he does not*

have a vessel to separate the tithes required to allow him to drink the wine in an orderly fashion), he should say the following: "The two *lugin* (a measurement) that I will eventually separate (from the one hundred *lugin* in total) are *terumah* (tithe for the kohen), ten are *ma'aser rishon* (tithe for the Levite), nine are for *ma'aser sheini* (to be eaten in Yerushalyim)," and after redeeming the *ma'aser sheini* (with coins), he can drink right away. These are the words of Rabbi Meir. Rabbi Yehudah, Rabbi Yosi, and Rabbi Shimon forbid this leniency. [The Gemora had explained that Rabbi Yehudah was 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 was not concerned for this. The same argument would apply to death. Rabbi Yehudah is concerned, whereas Rabbi Meir is not!]

The Gemara answers that we reverse the statement of Abaye regarding the Mishnah in Gittin and Abaye really answered that the *braisa* follows the opinion of Rabbi Meir that we are concerned for death, and the Mishna in Gittin is in accordance with the opinion of Rabbi Yehudah who maintains that we are not concerned with the possibility of death. (23b1 – 24a1)

INSIGHTS TO THE DAF

Shofar on Shabbos

The Gemara cites a dispute between Rabbi Meir and Rabbi Yehudah whether a Sukkah constructed on top of an animal is valid or not. Rabbi Yehudah maintains that a Sukkah must be fit to be used for all seven days and since this Sukkah cannot be used on Shabbos or Yom Tov because of the Rabbinic injunction against riding on an animal, this Sukkah is invalid. Rabbi Meir, however, maintains that the Sukkah is valid because the Sukkah is Biblically fit for all seven days and the fact that it is not rabbinically fit does not invalidate the Sukkah.

This issue of something that is biblically fit but is rabbinically unfit has halachic ramifications in other areas as well, such as regarding one who performs a mitzvah in a manner that was rabbinically prohibited if we can still say that he fulfilled his biblical obligation.

This issue was previously discussed on Daf 3 regarding sitting in a Sukkah where the table is placed outside the Sukkah.

The question will arise regarding Rosh Hashanah that occurs on Shabbos where there is a Rabbinic injunction against blowing the shofar as one may come to carry the shofar four amos in a public domain to learn from an expert. What would be the halachah if one were to violate the rabbinical prohibition and blow shofar on Shabbos? Would one be rewarded for performing a mitzvah because he has fulfilled the biblical obligation or perhaps one does not even fulfill a biblical obligation when he is rabbinically prohibited from blowing shofar on Shabbos?

This question would not present a problem according to the opinion of the Yerushalmi that maintains that one is biblically prohibited from blowing shofar on Shabbos.

Rabbi Akiva Eiger rules that in such a situation one has fulfilled his biblical obligation of blowing shofar.

Tosfos in Rosh Hashanah writes that blowing the shofar on Shabbos is rabbinically prohibited because it is considered a *chachmah*, an art, and not an act of labor.

Rabbi Ezriel Cziment writes in a pamphlet called *Zmanei Sasson* that it is evident that even according to Tosfos, the Chachamim did not invalidate the shofar blasts, because then Rabbi Akiva Eiger would not have ruled that one fulfills his biblical obligation of blowing shofar. It is clear that if the only rabbinical injunction against blowing shofar on Shabbos was because of the concern that one

may come to carry four amos in a public domain, the shofar blasts would not be invalidated.

The novelty here is that even if the rabbinical injunction would invalidate the shofar blasts, this would be different than a Sukkah that the Chachamim invalidate when the table is outside.

Rav Tzvi Pesach Frank in *Mikroei Kodesh* (32) writes that *Reb Akiva Schlesinger* maintained that even nowadays there is an obligation to blow shofar in Yerushalayim when Rosh Hashana occurs on Shabbos.

There are those who maintain that Rabbi Schlesinger actually practiced in accordance with his opinion and when Rosh Hashanah occurred on Shabbos, Rabbi Schlesinger blew shofar.

Rav Frank wonders if there is any reason for one to hear shofar blasts nowadays if he knows of someone who was blowing shofar when Rosh Hashanah occurs on Shabbos.

The first question that needs to be addressed is if Rabbi Schlesinger's opinion is halachically valid. Even if the halacha is not in accordance with the opinion of Rabbi Schlesinger, perhaps one fulfills a biblical obligation of hearing the shofar blasts even if the one blowing shofar is violating a rabbinical prohibition.

Rav Frank initially compares this issue with our Gemara. If one does not fulfill his obligation of dwelling in a Sukkah when sitting in a Sukkah that is on top of an animal, this would be proof that one cannot fulfill his biblical obligation if there is a rabbinical prohibition involved.

DAILY MASHAL

The Falling Sukkah shall Rise Again

The Gemara states that Rabbi Yehudah maintains that it is said *the festival of Sukkos you shall make for yourself for*

seven days. This means that a Sukkah that is fit for seven days is considered a valid Sukkah, but a Sukkah that is not fit for all seven days of Sukkos is not considered to be a valid Sukkah. It is noteworthy that it is said *on that day I will raise up the fallen booth (Sukkah) of Dovid*. Furthermore, it is said *for though the righteous one may fall seven times, he will arise*. These two verses can be interpreted homiletically to mean that although the Sukkah, i.e. the righteous one, may fall seven times, in the future everyone will see that the fall of the righteous was not a true downfall. Rather, the fact that the righteous occasionally fall is a sign that they will be raised up in the future. This is alluded to in the verse regarding the construction of a sukkah. One must build a Sukkah that is fit for seven days, i.e. one should be prepared to fall at certain times in life, but in the future HaShem will raise up the booth of Dovid, i.e. the righteous.