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Sukkah Daf 24

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Daf Notes is currently being dedicated to the neshamah of

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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

Abaye answered 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 *Baraisa* follows the opinion of Rabbi Meir that we are concerned for death, and the *Mishnah* in Gittin is in accordance with the opinion of Rabbi Yehudah who maintains that we are not concerned with the possibility of death. For it was taught in a *Baraisa*: If one used an animal as a wall of the Sukkah, Rabbi Meir declares it invalid and Rabbi Yehudah valid.

But then there is still a contradiction between the two statements of Rabbi Meir?<sup>1</sup> — Rabbi Meir can answer you: Death is of frequent occurrence, but the breaking of a wineskin is infrequent, since one might give it in charge of a guardian.

But there is still a contradiction between the two statements of Rabbi Yehudah? The reason of Rabbi Yehudah is not because the wineskin might break, but because he does not accept the principle of *bereirah*.<sup>2</sup>

The *Gemora* asks: But is it accurate that Rabbi Yehudah is not concerned that the wineskin will break? But the latter part of the *Baraisa* 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

<sup>1</sup> In the case of the wineskin he does not take its breakage into consideration, while in the case of the animal he does take into consideration the possibility of its dying.

<sup>2</sup> 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.

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).

The *Gemora* asks: Is it accurate that Rabbi Yehudah is not concerned for death? But it was taught in a *Mishnah*: 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). (23b1 – 24a2)

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 *Mishnah*: 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, Rav Acha bar Yaakov says, Rabbi Meir holds: A wall that is not made by man is not deemed to be a wall.

What is the practical difference between them? The difference between them is as follows: 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. (24a2 – 24b1)

The master had stated: In the name of Rabbi Yossi Hagelili it was said : Also we may not write a bill of divorce on something that is not alive. What is the reason of Rabbi Yossi Hagelili? The *Gemora* cites a *Baraisa*: 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. From where do I know to include everything? The verse therefore prefaces this with the more general phrase *v'kasav lah* – and he will write for her, including other materials as well. If so, why does the Torah write 'sefer'? The word *sefer* therefore teaches us (that the material must be like parchment): Just as parchment is something that has no breath of life and is not food, so too all material used must not have a breath of life and cannot be food. And what do the Sages say? The Sages say: If the verse would say *besefer* – in a book, then it would be like you (Rabbi Yosi HaGelili), but now that it says 'sefer,' this merely means a document which tells a *sipur* – story of their separation. And what do the Sages derive from 'v'kasav lah'? They say that the verse teaches us that she may only be divorced in writing, and not with money. For it might have entered your mind that her exit [from the married state] is compared to her entry into it, and just as her entry is with money, so is her exit, therefore it teaches us [this]. And how does Rabbi Yosi Hagelili know this? He says that we learn this from the phrase *sefer kerisus*, which teaches that a *sefer* (written document) can separate them, but nothing else can sever her from him. And what do

the Sages do with this? They say that this phrase teaches that the bill of divorce must be one which severs them [completely], as it has been taught in a Baraisa: If a man said, "Here is your get [to take effect] on condition that you do not drink wine, or go to your father's house ever," it is no severance.<sup>3</sup> [If he says, "The condition shall apply] for thirty days," it is a severance.<sup>4</sup> And the other? — He deduces it from [the use of the form] kerisus [instead of that of] kares. And the others? — They do not expound [the difference between] kerisus and kares. (24b1 – 24b2)

MISHNAH: If one constructs his Sukkah between trees and the trees are serving as the walls of the Sukkah, the Sukkah is valid. (24b2)

Rav Acha bar Yaakov states: Any partition that cannot withstand a usual wind is not a valid partition.

The *Gemora* asks from our *Mishnah*, which states that if one constructs his Sukkah between trees and the trees are serving as the walls of the Sukkah, the Sukkah is valid. But aren't the walls swaying to and fro?

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

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

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

The *Gemora* asks: what is 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.

The *Gemora* asks from a *Baraisa* which says that if a water pit was surrounded by a tree, fence, or a barrier made of reeds

<sup>3</sup> Since the condition is timeless, and at any time in the future she might break the condition and the divorce would become void, it is of no effect.

stuck in the ground, these structures are valid as the corner barriers necessary for the pit. This again indicates that a tree or reeds, which will sway in the wind, is valid.

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

The *Gemora* asks from a *Baraisa* which says that if a tree's branches create a canopy which reaches within three tefachim of the ground, one may carry within the enclosure it creates, although the tree sways in the wind.

The *Gemora* deflects this by saying that it is referring to a case where the branches were tied together with branches of palm and bay trees.

The *Gemora* challenges this, as one should then be allowed to carry in this area, no matter how large it is, but Rav Huna the son of Rav Yehoshua proceeds to say that one may only carry in this area if it is *bais sa'asa'im* – the area to plant two seah, the maximum size for an area not enclosed for habitation.

The *Gemora* answers that this area is mainly for the purpose of the space around it, i.e., as shelter for those who are guarding the larger field, and therefore it is not considered enclosed for habitation.

The *Gemora* asks from a *Baraisa* which says that if one began Shabbos on a mound ten tefachim high, in a crater ten tefachim deep, or in a grain field surrounded by stalks ten tefachim high, these areas are considered his domicile, and he may therefore walk another 2000 amos outside of them on Shabbos. This implies that these barriers are valid barriers, although they sway in the wind.

<sup>4</sup> Since at the end of the specified period the get would be definitely effective it is regarded as Biblically valid immediately.



The *Gemora* answers that the *Baraisa* is referring to a case where the branches were tied together with branches of palm and bay trees. (24b2 – 25a1)

## 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.

## DAILY MASHAL

### ***Dwell amongst the Righteous***

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 homilectically 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*.