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Sukkah Daf 31

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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

1. There is a dispute between Rabbi Eliezer and the Chachamim regarding a stolen Sukkah and regarding one who constructs his Sukkah in a public domain. The dispute is predicated on a dispute as to whether one can fulfill the mitzvah of Sukkah in a Sukkah that is not his. Rabbi Eliezer maintains that one cannot fulfill the mitzvah of Sukkah in a Sukkah that is not his and for this reason a stolen Sukkah is invalid.

2. Rav Nachman explains that the dispute concerns a case where one grabbed his fellow and evicted him from his Sukkah (and now the robber wishes to use that Sukkah). If land has the ability to be stolen, it is stolen, and if it does not have the ability to be stolen, it is borrowed (and therefore, it is unfit to be used, according to Rabbi Eliezer). The Rabbis, however maintain that land cannot be stolen, and this is a “borrowed” Sukkah, but he fulfills his mitzvah, for one can fulfill the mitzvah of Sukkah with a Sukkah that is not his own. Everyone would agree that if he stole pieces of wood and made a Sukkah with them, the owner has a right to receive only the value of the wood (for the robber has acquired it – either thru a physical change or because of the change in name, and therefore he fulfills his mitzvah). He proves this from the language of the *braisa*. (31a1 – 31a2)

3. The Gemara relates a story that a certain elderly woman went to Rav Nachman and claimed that the *Reish Galusa* and all the Chachamim were sitting in a stolen Sukkah. Her claim was that the servants of the *Reish Galusa* stole wood from her and used it to build their Sukkah. Rav Nachman, however, did not pay attention to her claim. The woman persisted with her claim and she said that a woman whose father had three hundred and eighteen servants is screaming before you and you refuse to listen to her. Rav Nachman told his students that the woman did not have a valid claim as once the Sukkah is constructed with stolen wood, the wood does not to be returned. This is based on a rabbinic decree referred to as *takanas hashavim*, the decree for the returnees, and therefore the Sukkah is deemed to be valid. [This decree was enacted so that thieves would be inspired to repent their ways. If a thief was compelled to demolish his structure to return the stolen property, he would not seek to repent.] (31a2)

4. Ravina said: If a beam of a Sukkah was stolen, the Rabbis made an enactment with regard to it (that the robber acquires it, and is only



required to return its value), similar to the enactment of the beam (mentioned above).

The *Gemora* asks: But isn't this obvious? Why should it be any different than pieces of wood?

The *Gemora* answers: I would have thought that the law applied only to wood since it is common, but not to this which is uncommon; therefore he informs us that the law applies to this case as well.

The *Gemora* notes: This, however, only applies during the seven days of the Festival, but after the seven days, it must be returned in its original state. If, however, he fixed it in with cement, even after the seven days he is only required to give its value. (31a2 – 31a3)

5. A tanna taught: If the lulav is dried out, it is invalid. Rabbi Yehudah says that it is valid.

The *Gemora* explains: They are disputing if a lulav is required to be *hadar*, beautiful in its halachic requirements, similar to an esrog, or perhaps a lulav does not have this requirement.

The *Gemora* asks: But is it indeed true that Rabbi Yehudah holds that a lulav is not required to be *hadar*? But it was taught in our *Mishna* (regarding a lulav, whose leaves were spread out) that Rabbi Yehudah says: It should be tied together at the top. Is that not because he holds that a lulav must be beautiful?

The *Gemora* answers: No! The reason is because of that which was taught in a *braisa*: Rabbi Yehudah said in the name of Rabbi Tarfon: *kappos temorim* – branches of date palms. It could be read as *kafus* – tied; and therefore, if it was spread out, it should be tied.

The *Gemora* asks: But is there no requirement of *hadar*? But it was taught in a *Mishna*: We do not bind a lulav except with a material of its own kind; these are the words of Rabbi Yehudah. Is that not because he holds that a lulav must be beautiful?

The *Gemora* answers: No! For Rava said that it may be bound even with ivy (which grows around the trunk of a palm tree), or even with (pieces of) the trunk of the tree (and obviously there is no beauty being added here). Rather, Rabbi Yehudah's reason is because he maintains that a lulav needs to be bound (with the other species), and if one will bring from another material to use for the binding, it (the bundle) will consist of five species (and the Torah requires only four).

The *Gemora* asks: And does an esrog need to be beautiful? But it was taught in a *braisa*: Regarding the four species of the lulav, just as one is prohibited from taking less than four species, he is not allowed to add a fifth species to them. One cannot substitute any of the four species from those that are listed in the Torah. Even if an esrog is not available, he cannot use a quince, a pomegranate or anything else in its stead. Something which is withered is valid; if it is dried out, it is invalid. Rabbi Yehudah said: Even if it is



dried out. And Rabbi Yehudah said: The people of large cities used to bequeath their lulavim to their grandchildren. They said to him: Is that a proof? A case of emergency does not constitute a proof. At any rate, it is taught that Rabbi Yehudah said that even withered ones are valid, and this refers, does it not, to the esrog?

The *Gemora* answers: No! It refers to the lulav. (31a3 – 31b1)

The master has said: Just as one is prohibited from taking less than four species, he is not allowed to add a fifth species to them.

The *Gemora* explains the novelty of this ruling: I would have thought that since Rabbi Yehudah said that the lulav must be bound, if one bring another species, this one (the bundled species) stands by itself and this one (the extra species) stands by itself (and he is not adding to a mitzvah); therefore he informs us that this is not so. (31b1)

The master has said: Even if an esrog is not available, he cannot use a quince, a pomegranate or anything else in its stead.

The *Gemora* explains the novelty of this ruling: I would have thought that he may bring it in order that the law of esrog should not be forgotten; therefore he informs us that it is forbidden lest at times the result be harmful, since one might become accustomed (to bring the wrong fruit). (31b1)

The *Gemora* asks on Rava (who held that R' Yehudah maintains that an esrog must be hadar) from a *braisa*: An old esrog is invalid, but Rabbi Yehudah declares it valid. Is not this a] refutation of Rava? Indeed it is a refutation.

The *Gemora* asks: But does Rabbi Yehudah hold that it does not need to be beautiful? Was it not taught in a *Mishna*: If it is green as a leek, Rabbi Meir declares it valid and Rabbi Yehudah holds that it is invalid? Is this not because it must be hadar?

The *Gemora* answers: No! It is because the fruit is not yet ripe.

The *Gemora* asks from a *Mishna*: Concerning the minimum size of an esrog, Rabbi Meir says: the size of a nut; Rabbi Yehudah says: that of an egg. Is it not because it must be hadar?

The *Gemora* answers: No! It is because the fruit is not ripe.

The *Gemora* asks from a *Mishna*: Its maximum size is such that one should be able to hold two in one hand; these are the words of Rabbi Yehudah. Rabbi Yosi says: Even if one can hold one esrog in both hands. Now, what is the reason (of R' Yehudah)? Is it not because he requires it to be hadar?

The *Gemora* answers: No! It is because Rabbah said: The lulav must be held in the right hand and the esrog must be held in the left, and since



sometimes he might put them in the wrong hands, when he transposes them, the esrog might fall and become invalid.

The *Gemora* asks: But, according to Rabbi Yehudah, is it not written in the Torah, “hadar”?

The *Gemora* answers: This means: that which dwells upon the tree from year to year. (31b1 – 31b2)

The *Mishna* had stated: One that came from an asheirah or from a subverted city.

The *Gemora* asks: Is then a lulav that came from an asheirah invalid? Didn't Rava in fact say: One should not take a lulav of idolatry, but if he did nevertheless take it, it is valid?

The *Gemora* answers: Here we are dealing with an asheirah dating from the time of Moses (which requires burning), whose measurement is regarded as crushed (and therefore the lulav is regarded as if it is less than four tefachim).

This, the *Gemora* proves from the analogy to a subverted city (which is also invalid because of the requirement to burn it); this is indeed conclusive. (31b2 – 31b3)

INSIGHTS TO THE DAF

A Raving Old Woman and Three Hundred and Eighteen Servants of Avraham Avinu

The Gemara relates a story that a certain elderly woman went to Rav Nachman and claimed that the *Reish Galusa* and all the Chachamim were sitting in a stolen Sukkah. Her claim was that the servants of the *Reish Galusa* stole wood from her and used it to build their Sukkah. Rav Nachman, however, did not pay attention to her claim. The woman persisted with her claim and she said that a woman whose father had three hundred and eighteen servants is screaming before you and you refuse to listen to her. Rav Nachman told his students that the woman did not have a valid claim as once the Sukkah is constructed with stolen wood, the wood does not to be returned. This is based on a rabbinic decree referred to as *takanas hashavim*, the decree for the returnees, and therefore the Sukkah is deemed to be valid. This decree was enacted so that thieves would be inspired to repent their ways. If a thief was compelled to demolish his structure to return the stolen property, he would not seek to repent.

Rashi explains that the woman was referring to Avrohom Avinu and his three hundred and eighteen servants.

The commentators offer various explanations as to what the woman meant and in particular with regard to her intention of invoking Avraham and his three hundred and eighteen servants.

The *Chasam Sofer* cites the Gemara in Chullin 89a that states how stealing is very much frowned upon and proof of this is from the servants of Avrohom who stole from Sodom and Avrohom was not able to return that which his servants stole. The old woman mentioned in our Gemara assumed that the rabbinic decree that a thief is not required to return stolen objects that are used in the construction of a building would only apply when there are many stolen objects and it would be very cumbersome to demolish the building to return those beams. When the wood that is stolen is of a small amount and only being used for *s'chach*, however, perhaps the decree does not apply and the Sukkah should be invalid. Rav Nachman finally responded to her claim and ruled that the decree applies in all situations, regardless of how much wood was stolen. Whether a thief steals a lot of wood or a small amount, once he incorporate the stolen wood into the building, the thief acquires the wood and he must offer a monetary compensation.

Reish Galusa and all the Chachamim were sitting in a stolen Sukkah. Her claim was that the servants of the *Reish Galusa* stole wood from her and used it to build their Sukkah. Rav Nachman, however, did not pay attention to her claim. The woman persisted with her claim and she said that a woman whose father had three hundred and eighteen servants is screaming before you and you refuse to listen to her.

Perhaps the reason the woman invoked the mention of Avraham and his three hundred and eighteen servants is because the Medrash Tanchumah states that in the merit of Avraham offering shade to his guests under the tree, his descendants merited the mitzvah of Sukkah. Avraham had many servants, yet he chose to honor his guests by serving them himself. In the merit of this deed, HaShem promised Avraham that his descendants would merit that HaShem Himself would place the Jewish People in Clouds of Glory in the Wilderness, and subsequently the Jewish People would merit the mitzvah of sitting in a Sukkah, protected by HaShem Himself.

DAILY MASHAL

Sukkah and Avraham Avinu

The Gemara relates a story that a certain elderly woman went to Rav Nachman and claimed that the