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בס"ד Sukkah 23 Intro

Today we will בע"ה learn מס' סוכה f סס' סוכה Some of the topics we will learn about include the following:

How sturdy a סוכה has to be in order to fulfill the Mitzvah

The use of animals as walls for a סוכה

If a non-Kohen's daughter married a Kohen, when can she eat חרומה, and when is it prohibited.

מעשר and חרומה and מעשר

How sturdy a סוכה has to be in order to fulfill the Mitzvah

The use of animals as walls for a סוכה

If a non-Kohen's daughter married a Kohen when may she eat תרומה and when not

מעשר and תרומה

Some of the key terms and concepts we will learn about include:

דרבשה - A common land wind. If a סוכה is so flimsy that it cannot withstand a common land wind, it is not even considered a temporary dwelling and is invalid for the מצוה.

היבשה מצויה דיבשה - An uncommon land wind. A סוכה that is sturdy enough to withstand an uncommon land wind is even considered a dwelling to those who require a permanent structure for a סוכה to be valid.

לחי ומבוי - A לחי - A לחי ומבוי - sidepost, can be used to adjust the entrance to a מבח alley, so that it can be used on שבח for carrying.

- פסין לביראות -Boards for the wells. Public wells were placed in the public domain but the wells themselves were often a private domain. In order to get water from them on שבת, boards were placed around them.









D מיתה לא שכיחא - death is an uncommon occurrence.

תרומה and מעשר - certain tithes are required to be taken from produce before they can be eaten. תרומה can only be eaten by a מהן and his family. If the husband dies, the wife can no longer eat תרומה unless she has children from him, or is herself, the daughter of a כהן.

כותים - The Cutheans were a tribe brought to Israel by the Assyrians. They did not fully observe the Torah and in general, did not remove מעשר from their produce.

מיתה לא שכיחא

תרומה ומעשר

כותים

E The order of tithes:

הדולה - Given to a כהן. Usually 1/50.

- מעשר ראשון - The first tithe from the remainder which is 1/10 and given to a לוי. The לוי takes 1/10 of what he receives as תרומת, and gives it to the כהן.

כי מעשר שני - The second tithe. In the first, second, fourth and fifth years, of the seven year Shemita cycle, another 1/10 is removed, and the owners bring it to ירושלים to eat it. In the third and sixth years, מעשר עני, a tithe for the poor, is taken instead, and given to the poor.









So let's review...

The גמרא refers to the first Halachah of the Mishnah; העושה סוכתו בראש העגלה או בראש הספינה כשרה –

A Sukkah on top of a wagon or on the top of a ship is Kosher. The Gemara shows that the Mishnah here follows the opinion of דבי עקיבא in the following Braisa;

דתניא העושה סוכתו בראש הספינה

רבן גמליאל פוסל ורבי עקיבא מכשיר

And the ברייתא relates an incident where סוכה built a סוכה on top of a ship and it was blown off.

אמר אביי
Abaye clarifies:
דכולי עלמא
דכולי עלמא
היכא דאינה יכולה לעמוד ברוח מצויה דיבשה
לא כלום היא

If the Sukkah is so weak that it cannot withstand even a common land wind, everyone agrees that this Sukkah is פסול. As Rashi explains:

דאפילו דירת עראי לא הויא

This is not even a temporary dwelling.

יכולה לעמוד בשאינה מצויה דיבשה

כ"ע לא פליגי דכשרה

If it is strong enough to withstand an uncommonly strong land wind – which is the equivalent of a רוח מצויה דים – a common sea wind - everyone agrees that it's כשר. As Rashi explains, this satisfies even the requirement of רבן גמליאל that סוכה דירת קבע בעינן

The Sukkah must be a permanent dwelling. כי פליגי

כי פכיגי

בדיכולה לעמוד ברוח מצויה דיבשה

ואינה יכולה לעמוד ברוח שאינה מצויה דיבשה

The Machlokes is in a case of where it can withstand a common land wind, but not an uncommon land wind or its equivalent, a a common sea wind:

רבו גמליאל סבר

סוכה דירת קבע בעינן

וכיון דאינה יכולה לעמוד ברוח מצויה דים

לא כלום היא

רבן גמליאל holds it is Posul, because it does not meet the requirement of being a permanent dwelling.

רבי עקיבא סבר סוכה דירת עראי בעינן

וכיון דיכולה לעמוד ברוח מצויה דיבשה

שרה

רבי עקיבא holds that it is Kosher, because we only need the Sukkah to be a temporary dwelling, and this Sukkah, although it could not withstand the רוח מצויה דים, could have withstood a רוח מצויה דיבשה, and satisfies the requirement of דירת עראי.

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The גמרא continues with the משנה.

או על גבי גמל כשרה

ואין עולין לה ביום טוב

A סוכה on the back of a camel is כשר, but cannot be used on Yom Toy, because we're not allowed to use an animal on Shabbos or

The גמרא shows that the Mishnah here follows the opinion of יבי מאיר in the following ברייתא:

דתניא העושה סוכתו על גבי בהמה

רבי מאיר מכשיר ורבי יהודה פוסל

If someone made his סוכה on the back of an animal, ר' מאיר says it's כשר but ר' יהודה says it's פסול.

R' Yehuda invalidates it because the פסוק says;

- חג הסוכות תעשה לך שבעת ימים

You will make for yourself the holiday of סוכות for seven days. סוכה הראויה לשבעה

שמה סוכה

סוכה שאינה ראויה לשבעה

לא שמה סוכה

A סוכה that is not usable for all seven days is not called a. סוכה. As Rashi explains, since אין עולין לה בי"ט – it's forbidden to use an animal on Shabbos or Yom Tov, this Sukkah cannot be used on the first day of Yom Tov.

R' Meir holds it is a Kosher Sukkah, because מן התורה it is usable on the first day, since אין עולין לה בי"ט is only a אין - a Rabbinic decree.

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The גמרא continues with a dispute regarding the use of an animal as the wall of a סוכה.

עשאה לבהמה דופן לסוכה

ר"מ פוסל

ור' יהודה מכשיר

According to ר' מאיר, it is פסול because

כל דבר שיש בו רוח חיים, any living thing - אין עושין אותו - cannot be

- --- סוכה The wall of a סוכה.
- --- ולא לחי למבוי --- to permit carrying in a מבוי,
- --- ולא פסין לביראות --- that enclose wells,
- --- ולא גולל לקבר --- Or as the cover of a tomb In the name of רבי יוסי הגלילי they said;

אף אין כותבין עליו גיטי נשים –

A Jewish divorce document may not be written on a living thing either.

The גמרא presents two reasons for גמרא 'ז's opinion.

אביי says ר' מאיר is concerned

שמא תמות - it might die, and he will no longer have a partition. ר' זירא says ר' מאיר is concerned;

שמא חברח - it might run away.

The Gemara points out that according to Abaye, R' Meir is, of course, also concerned about שמא תברח, which is more common. However, according to R' Zeira, R' Meir is only concerned about שמא תברח, but not about שמא תמות, because שכיחא – It's not a common occurrence.











Therefore, according the Abaya, the Gemara explains the Machlokes in the following scenario:

- --- The animal is קשור tied up, to eliminate שמא תברח.
- --- The space between its legs is filled in, אבהוצא ודפנא with branches, to close the gap underneath its body, which is more than three טפחים above the ground.
- --- The animal is also מתיחה tied, and held up from above, to eliminate the possibility of דלמא רבעה It might sit down, reducing the necessary height of the wall.

The only problem left is in a case of where the animal was placed in a position where its height is at a bit less than three טפחים from the סכך, which is considered closed based on לבוד.



However, if it dies, although it is being held up from above, its body will shrink somewhat, increasing the gap to more than three טפחים,

ולאו אדעתיה - He will not notice the small difference between a bit less than, or a bit more than, three טפחים, leaving him with an invalid Sukkah. Therefore,

עשאה לבהמה דופן לסוכה

ר"מ פוסל

ור' יהודה מכשיר

Because,

ר"מ חייש למיתה

ור' יהודה לא חייש למיתה

R' Meir is concerned it might die, creating the just described problem.

R' Yehuda is not concerned that it might die, and as is, the wall meets the requirement of a Kosher Sukkah.

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7 This reasoning resolves an apparent contradiction – according to the conclusion of the Gemara on the top of the next Daf:

One Mishnah says;

בת ישראל שנשאת לכהן

והלך בעלה למדינת הים

אוכלת בתרומה

בחזקת שהוא קיים

A daughter of a Yisroel, who is married to a Kohen, may eat Trumah on account of her husband. However, if she has no children with him, should he die, she may no longer eat Trumah. The Mishnah teaches that if he traveled far away, she may continue to eat Trumah, and she does not have to be concerned perhaps he died.

This Mishnah follows the opinion of ר' יהודה דלא חייש למיתה

The Gemara quotes a Braisa which says;

הרי זה גיטיך שעה אחת קודם מיתתי

אסורה לאכול בתרומה מיד

In the above case, if he gave her a גט to become effective one moment before his death, she is immediately prohibited to eat תרומה, because we are concerned perhaps this is the moment before his death, and she is divorced from him, and is proscribed from eating Trumah.

This Braisa follows the opinion of

ר"מ דחייש למיתה

8 However,

ר"מ חייש למיתה ור' יהודה לא חייש למיתה

Is contradicted from the following well-known Mishnah: הלוקח יין מבין הכותים -

One who bought a barrel of wine from כותים from which he needs to separate תרומות ומעשרות, but he has no containers in which to put the תרומות ומעשרות.











9 The

The Mishnah provides the following solution.
אומר שני לוגין שאני עתיד להפריש הרי הן תרומה ושותה מיד
אומר שני לוגין שאני עתיד להפריש הרי הן תרומה ושותה שאנה שומר within the barrel, and the wine becomes permitted immediately based on that he will physically separate out the חרומות ומעשרות later.
דרומאיר - This is the opinion of דברי ר' מאיר - לאיר - They forbid the wine.
The Gemara's current understanding is, because they are חייש לבקיעת נוד –

They are concerned the barrel might break, and the separation of תרומות ומעשרות will never take place, resulting in the wine having been טבל when he drank it. R' Meir, however, לא חייש לבקיעת נוד

He is not concerned that the barrel will break, but he is חייש

The Mishnah provides the following solution

רבי מאיר
אומר שני לוגין
שאני עתיד להפריש
הרי הן תרומה
ושותה מיד
לא חייש לבקיעת נוד

Apparently, their respective opinions seem to be inconsistant.
רבי מאיר חייש למיתה
?ולא חייש לבקיעת נוד רבי יהודה לא חייש למיתה?
?וחייש לבקיעת נוד?

The Gemara resolves this question on the next Daf.



