



## THE HAKUK EDITION

### ENGLISH TOPICS ON THE DAF

*Dedicated L'Refuah Shlaima of Moshe Kalman ben Rivka*

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## Daf Hashovua Yevamos Daf 15

Continuing the Gemara's debate if Beis Shammai acted according to its opinions or not, we bring an episode in Shammai's life to prove it.

His daughter-in-law gave birth one Sukkos, and Shammai removed part of the ceiling and placed schach there, for the child. We see from here that he *did* act in accordance with his personal opinions; he maintains that all children are obligated to be in a sukka.

What seems strange about this Gemara is that children are obligated in mitzvos as chinuch, to train and accustom them to doing them. However, a newborn baby hardly will learn anything from having schach over his tiny head on Sukkos. Why would Shammai demand such a practice?

The **Chochmas Shlomo** here appears to concur with this objection, and offers a different understanding of the Gemara. When it says Shammai arranged schach "for the child," it does not mean the newborn child. Rather, the mother had *another* child – this one around five years old – who needed to be in proximity to his mother.

Thus, although the Chachomim hold that only children who no longer need their mother's constant care must be in the sukka, Shammai was stringent to include even those who still are attached to their mother. But this is only for children old enough to comprehend mitzvos and begin chinuch.

As beautiful as this explanation is, other commentaries understood the Gemara as it sounds, that Shammai required the newborn baby to be in a sukka. Why?

The **Ritva** in Sukka (28b) says it is part of the Torah's obligation to "live in a sukka," as Chazal expound it – to live there as one does in his house. Since we obviously keep our babies at home with us, we must bring them into the sukka, too. This is midiorasia. Alternatively, the Ritva suggests that Shammai broadens the boundaries of chinuch to include anything that is at all possible for them to do. So, even though the child doesn't learn anything from the experience, mitzvas chinuch demands that we do it for him.

Now, according to the Chochmas Shlomo, we have to explain why the Gemara tells us that she gave birth. It's irrelevant to the halacha; why doesn't it say the main point, that she had a 5-year-old?

The **Aruch L'ner** asks this and also wonders about the second answer of the Ritva. Is chinuch really applicable to such a small child?

He suggests that the second answer of the Ritva may agree with the Chochmas Shlomo, as follows. Certainly, chinuch is relevant only to children old enough to comprehend something about mitzvos. Why does the Gemara relate that she gave birth? Because otherwise, she would have gone to the family's regular sukka! Since she just gave birth, she couldn't go outside. Her 5-year-old still needed her regularly, so Shammai set up a sukka over her bed, for the older child. And this is what the Ritva means that chinuch is even for young children: not for tiny babies, but for those just beginning the stage of chinuch.

Actually, someone asked **Rav Chaim Kanievsky** shlit"a the question on the Ritva, and he cited a Yerushalmi (Kesubos 5:6) which recounts that Rabbi Yochanan could identify who was present at his own birth! Since

there are such cases, Shammai paskened across the board to include all babies (Kuntress Mishnas Chinuch, question 16).

The author of the kuntress comments that this doesn't apply to all mitzvos, but only to those a child could be part of. A baby can't shake a lulav or eat matzah, but to be inside a sukka is feasible even for him. Another point he makes is that everyone agrees that even a newborn is affected to some degree by what happens around him. (This is a foundation of chinuch, as many seforim emphasize.)

A different track is developed in **Birchas Avraham** on Sukka. There is a dispute whether or not mitzvos must be done with kavana, specific intent to do the mitzvah. According to the opinion that they need it, a mitzvah done without kavana is invalid. If so, the Birchas Avraham asks, how could the new baby in our story fulfill an obligation of sukka? And even according to the other opinion, kavana is not mandatory, but basis awareness that one is doing a mitzvah is necessary. Otherwise, Chazal regarded it as misaseik, one who absentmindedly acts without thought. Once again, such a child is not capable of even this. How could mitzvas chinuch apply at all here?

He explains that there are exceptions to these rules. The Gemara tells us that mitzvos and aveiros involving eating take effect even without intention. Why? Because even if someone didn't think when he eats matzah, the fact is that it entered his body and he benefitted from it. So too, sukka may be different from other things since the mitzvah is *to be in a sukka*. Even if you didn't think at all, the fact remains that you are within a sukka! Thus, even a newborn child is able to fulfill the mitzvah.