OVERVIEW of the Daf

1) MISHNAH: The Mishnah records a dispute between Beis Shamai and Beis Hillel concerning an "old sukkah" and presents the definition of an old sukkah.

2) Clarifying the two opinions

The Gemara presents an initial source for Beis Shamai's position and Beis Hillel's response.

After refuting the initial suggestion, an alternative suggestion is presented regarding the source for Beis Shamai's ruling.

Although Beis Hillel does require לשמה for the mitzvah of sukkah, they agree that לשמה is necessary for the mitzvah of tzitzis.

3) MISHNAH: The Mishnah discusses three cases: Building a sukkah under a tree, in a house or one on top of another.

4) Building a sukkah under a tree

Rava states that a sukkah built under a tree is disqualified only if the tree produces more shade than sunlight but if it produces more sunlight than shade the sukkah is valid.

This qualification is unsuccessfully challenged.

Daf DIAGRAM

סוכה המדובללת כשרה

Shmuel explains that a סוכה מדובללת is one where the סכך has alternating boards along the roof, one board higher, and one board lower. Abaye clarifies that the problem is only where the levels are more than three tefachim apart. If the higher boards are a tefach wide, we say חבוט רמי, and it is one layer. ■
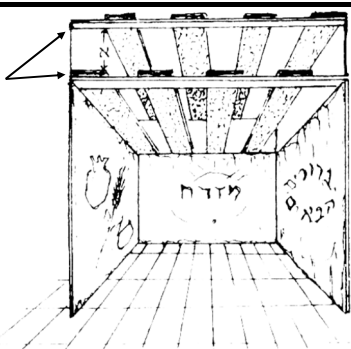
Distinctive INSIGHT

A stolen sukkah—Why is it פסול?

הכא נמי ״חג הסוכות תעשה לך״ - ״לך״ לשם חובך. ההוא מיבעי ליה למעוטי גזולה

The Gemara states that the verse which declares that a sukkah must be "yours" comes to teach that the mitzvah cannot be fulfilled if one uses a stolen sukkah. Tosafos (ד״ה ההוא) presents a powerful question in understanding our Gemara. Why would it be necessary to have a special verse of "לך" by sukkah to invalidate using a stolen sukkah? We already have a rule that no mitzvah can be fulfilled if it is done by means of a sin. The rejection of the mitzvah of a person who steals a sukkah is already under the category of מצוה הבאה בעבירה.

Tosafos answers that the rule of מצוה הבאה בעבירה is only a rabbinic disqualification, and using a stolen sukkah for the mitzvah would be deemed acceptable from a Torah perspective, if not for the special verse of "לך". Ritva explains that it is clear from other statements in the Gemara that even Tosafos must agree that the concept of מצוה הבאה בעבירה is a Torah rule, but that Tosafos holds that this rule only applies by a קרבן, or by lulav. An offering is brought to elicit favor from Hashem (לרצות), and a lulav, likewise, is taken to earn merit from Hashem for favorable winds and weather conditions. We cannot take stolen objects and expect to ask for Hashem's assistance. However, by all other mitzvos, such as sukkah, the rule of מצוה הבאה בעבירה is only rabbinic.

Ritva himself argues with Tosafos, and he holds that the disqualification of מצוה הבאה בעבירה is, indeed, applicable from a Torah viewpoint by all mitzvos, including sukkah. The reason the Gemara needs a special verse of "לך" to disallow a stolen sukkah is that we would have mistakenly thought that just as a borrowed sukkah is allowed to be used, so, too, would a stolen sukkah be allowed. Sukkah is not used to elicit favor from Hashem as much as we find by a קרבן of by lulav, so we might have thought that a stolen sukkah is allowed. Therefore, the verse reinforces that the rule of מצוה הבאה בעבירה does apply, and a stolen sukkah is not valid. ■

HALACHAH Highlight

Studying the laws of the Yom Tov thirty days before the Yom Tov

ואיזו היא סוכה ישנה? כל שעשאה קודם לחג שלשים יום

The Beis Yosef[1] notes a contradiction between two Gemaras. One Gemara[2] rules that we ask questions about the halachos of Pesach thirty days before Pesach, thus indicating that it is a halacha unique to Pesach. On the other hand, another Gemara[3] rules that Moshe Rabbeinu enacted that one should ask questions and expound on the halachos of each Yom Tov on the Yom Tov. One of the answers suggested is that Pesach requires thirty days of preparation because of the numerous halachos involved in preparing for Pesach. The other Yomim Tovim do not have so many halachos and the obligation is to expound upon the reasons behind the mitzvos, but not necessarily to teach the halachos of those Yomim Tovim.

Maharsha[4] challenges this answer from Rashi's comment to our Gemara. Rashi writes[5] that a sukkah built within thirty days of Sukkos is assumed to be built for the mitzvah because people have already begun to ask questions regarding the Yom Tov from that time. Thus, we see that the requirement to ask questions regarding the Yom Tov is not unique to Pesach, but is a halacha that applies to all Yomim Tovim.

The Chok Yaakov[6] answers that regarding Pesach there is an obligation to ask questions, but concerning the other Yomim Tovim it is only a custom to ask questions about the Yom Tov, but not an obligation. Thus, we can resolve Maharsha's challenge against the Beis Yosef. Rashi did not write that there is an obligation to ask questions, rather, as a result of custom, people inquire about the halachos of Sukkos thirty days before the Yom Tov. We can therefore assume that the Sukkah was built for the sake of the mitzvah. ■

1. בית יוסף או"ח סי' תכ"ט
2. גמ' פסחים ו:
3. גמ' מגילה לב
4. מהרש"א לרש"י ט. ד"ה ב"ש פוסלין
5. רש"י ט. ד"ה בית שמאי פוסלין
6. חק יעקב סי' תכ"ט סק"ב ■

REVIEW and Remember

1. How old is an "old sukkah"?

2. What is the source that indicates that a stolen sukkah is unacceptable?

3. How does the Mishnah hint to the halachah that a tree disqualifies the sukkah only if it produces more shade than sun?

4. What is the significance of writing the word בסכת without the letter "ו"?

STORIES Off the Daf

The stolen Sukkah

למעוטי גזולה

The Shem Mishmuel, zt"l, explains a teaching of the Arizal, that the sukkah is rooted in the attribute of Binah, what is often translated as supernal understanding. Binah is the spiritual root from which every Jewish soul descends. After being purified on Yom Kippur, each Jewish soul is reconnected to its source by fulfilling the mitzvah of sukkah. The Shem Mishmuel connects this concept with an axiom from the Zohar Hakadosh: "He who chases after that which is not his loses that which was destined to be his." One who "chases after" the sukkah of another person by stealing it will lose that which he was destined to receive through fulfilling the mitzvah: reconnection to his spiritual source. Our gedolim had a deep understanding that all forms of theft literally disconnect the soul from its roots. The care they took with the property of others was so deeply ingrained, it could be considered like second nature.

When the Alter of Kelm, zt"l, was on his deathbed, someone place a fan nearby to help ease his discomfort during his last moments. As his pains became stronger and stronger and it became clear that his end was very close, he astonished those standing by him with an unexpected action. Using his last bit of energy, he gently tried to move the fan out of his immediate range so that it would not be damaged during his death throes. Even during his final moments, the Alter overcame his own pain to secure the property of another Jew! ■

5) Building one sukkah on top of another

A Baraisa identifies the source that disqualifies a sukkah beneath a sukkah, built under a tree or in a house.

The source is unsuccessfully challenged.

R' Yirmiyah teaches that sometimes when a sukkah is built beneath another sukkah both will be valid, both invalid, the top valid but the bottom invalid or the top invalid and the bottom valid.

R' Yirmiyah begins to explain each of the cases. ■