

OVERVIEW of the Daf

1) **MISHNAH:** (cont.) The Mishnah concludes its discussion of a sukkah built on a wagon, ship, animal or trees with a general rule about entering such a sukkah on Yom Tov.

2) Identifying the author of our Mishnah

The Gemara explains that the Mishnah which validates a sukkah built on top of a ship follows R' Akiva, who disagrees with R' Gamliel about this case.

Abaye explains the exact case of dispute between R' Akiva and R' Gamliel.

The Gemara explains that the Mishnah which validates a sukkah built on top of an animal follows R' Meir, who disagrees with R' Yehudah about this case.

The source for the two opinions is presented.

3) Using an animal as the wall for a sukkah

A dispute between R' Meir and R' Yehudah regarding the use of an animal for the wall of the sukkah is recorded.

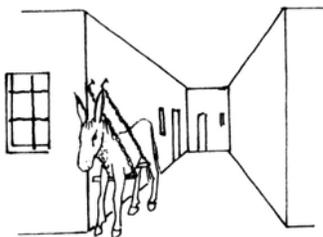
Abaye and R' Zeira give two reasons for R' Meir's strict ruling, and the Gemara explains that the dispute is limited to the case where the animal is tied up.

4) Concern for the possibility for death

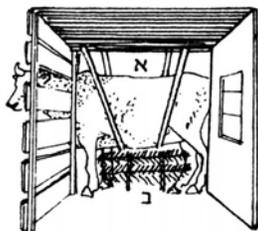
The conclusion of Abaye, namely that R' Meir is concerned for the possibility for death and R' Yehudah is not concerned with that possibility, is challenged from Abaye's comment on a Mishnah in Gittin. ■

Daf DIAGRAM

עשאה לבהמה דופן לסוכה



An animal may not be used as a לחי for a מבוי.



An animal is used as a wall of the uskkah. Its back is less than three tefachim from the סכך (א) and branches are placed under its belly (ב).

Distinctive INSIGHT

The concern that the animal in the wall might die

וכיון דמייתא כווצא ולאן אדעת' וכו'

Rabbi Meir does not allow using a live animal as a wall of a sukkah, for he is afraid that it may die, and the occupant of the sukkah may not notice that the animal will shrivel up slightly and no longer be within the necessary three tefachim of the סכך. Rashi comments that the concern is that the person will not notice, and that he will therefore not fix the problem.

Rav Moshe Feinstein, zt"l, (Igros Moshe C.M. 1:7) notes that the concern should be that the sukkah is in danger of becoming disqualified on Yom Tov itself, and the person will not be able to fulfill his mitzvah. Apparently, this is a more obvious problem, for if the animal dies on Yom Tov, the occupant of the sukkah could not attend to the situation even if he did notice, because moving a dead animal is not allowed on Yom Tov. Why did Rashi explain that the problem is that the person will be oblivious to the need to attend to the situation?

Rashi apparently holds that if the problem would only be the inability to move a dead animal on Yom Tov, this situation could then be remedied on Chol HaMoed. This means that the problem is greatly narrowed down, and there would be no rabbinic prohibition based solely on the chance that an animal would die in the next 24-48 hours (if it dies before or after Yom Tov, there is no problem). And even this is only in the case where the animal is placed exactly three tefachim away from the סכך, not less.

This is why Rashi explained the concern in terms of the owner not even noticing, which is a problem all week long. We see that Rashi holds that a concern that "death may occur" does not reflect a situation for a one or two day period in the future. ■

Today's Daf Digest is dedicated

לעילוי נשמת

מרת פרומיט בת ר' ישראל בארנשטיין, ע"ה

מאת משפחתה

HALACHAH Highlight

Making a sukkah from a non-kosher animal

בפיל קשור כולי עלמא לא פליגי דאי נמי מייית יש בנבלתו י'

Regarding a bound elephant all opinions agree [that the walls of the sukkah are valid] because even if it dies its carcass has [the required size of] ten [tefachim].

Rema¹ ruled that a shofar taken from a non-kosher animal is invalid. Rav Avrohom Avli Gombiner² cites the dissenting opinion of Rav Shmuel ben Yosef the Dayan of Krakow and challenges that opinion. How could Rav Shmuel rule that a shofar taken from a non-kosher animal is valid when the Gemara in Shabbos³ states explicitly⁴ that only kosher animals may be used for the service of Heaven? Since mitzvah objects must come from kosher sources, as the Gemara teaches, how could one use a shofar taken from a non-kosher animal?

Rav Yechezkel Landau⁵ disagrees with the position of Rav Gombiner and demonstrates that one could draw the opposite conclusion from the Gemara in Shabbos. Furthermore, how is it possible to take the position that all mitzvah objects must come from a kosher source when the Gemara accepts the validity of making the wall of the sukkah from an elephant? The only items that must come from a kosher source are those that relate directly to Torah such as a Sefer Torah, Tefillin and mezuzos.

Rav Tzvi Pesach Frank⁶ cites the challenge of Rav Landau and proposes a solution. The requirement that mitzvah objects come from a kosher source applies only to those mitzvah items that must come from animals. In other words, when the Torah instructs us to take a part of an animal to fulfill a mitzvah it

REVIEW and Remember

1. What is the underlying dispute between R' Akiva and R' Gamliel regarding a sukkah built on top of a boat?
2. Why is an animal invalid for use as the wall of a sukkah (two reasons)?
3. What is the case where Abaye and R' Zeira will disagree?
4. What is the procedure for wine purchased from a Cuthean when one is in a circumstance that he cannot separate ma'aser?

must be a kosher animal. When, however, there is no requirement to fulfill the mitzvah with an animal product one is permitted to take a product that is a derivative of a non-kosher animal. Thus, since there is no requirement to make the walls of the sukkah specifically from an animal it is permitted to use even a non-kosher animal for this purpose. ■

1. רמ"א או"ח סי' תקפ"ו סע' א' שכתב, "וכן שופר מבהמה טמאה פסול".
2. מג"א שם סק"ג וז"ל, "ומ"ש הע"ש דלא ק"ל כההיא דלא הוכשרו וכו' לא עיין בשבת דף כח ע"ש והטעם דאיתקש כל התורה לתפילין כדאיתא בקידושין דף ל"ה וכו'".
3. גמ' שבת כח
4. ע' בביאור הגר"א, פמ"ג ומחה"ש שם ואכמ"ל
5. שו"ת נודע ביהודה או"ח מה"ת סי' ג'
6. שו"ת הר צבי או"ח ח"א סי' ל"ט ■

STORIES Off the Daf

The winds of the sea

ר"ע סבר סוכה דירת עראי בעינן וכיון דיכולה לעמוד ברוח מצויה דיבשה כשרה

On today's daf we see that Rabbi Akiva permits the construction of a sukkah on a boat, as long as it can withstand winds as strong as those that normally prevail on land.

The Mekor Chaim, zt"l, explains that our sukkah represents our portion in the next world, and this sukkah is sometimes built on a "ship." This is when a person feels like a ship at sea in constant danger of being broken to bits by the raging seas of this world. The "wind" symbolizes the evil inclination since, "No one sins unless

a spirit (ruach—wind) of folly enters him." (Sotah 3a) A "land wind" represents the pull toward the earth-bound sins of the body. If one cannot withstand this wind, one's sukkah is invalid since it means that the accumulation of sin will cause one to lose the protection of the world to come. The "sea wind," on the other hand, represents the forces that work to keep us from Torah study. Although such challenges are formidable, as long as one holds strong against the "land wind," one's portion in the next world is secure. One may not have fulfilled all that he could, but refraining from actual sin means that one's sukkah in the next world is at least kosher.

A certain accomplished scholar once approached the Steipler Gaon, zt"l, for advice about how to withstand the tempta-

tion to avoid sitting down to learn.

He said, "Even though I eventually feel pleasure in my Torah study once I get started, I usually don't have any cheshek, any real inclination, to sit down and learn. What can I do to generate more enthusiasm?"

The Steipler Gaon replied, "Do you think that I have cheshek to learn? I also have no inclination to learn! But I know that I am obligated to force myself to sit down and study just as I must force myself to eat the full requirement of matzah on Pesach. Having no cheshek is no excuse. The truth is that Torah study is even more of an obligation than eating matzah on Pesach. Without my daily seder of learning, I can hardly be considered a human being!" ■

