

OVERVIEW of the Daf

1) Concern for the possibility for death (cont.)

The Gemara responds that Abaye's statement in Gitin regarding the possibility of death should be reversed so that it is consistent with the explanation presented here, i.e., R' Meir is concerned with this possibility and R' Yehudah is not.

A contradiction is noted in the respective opinions of R' Meir and R' Yehudah regarding the possibility the animal may die and the case of tithing Cuthean wine.

The contradictions are resolved.

The assertion that R' Yehudah is not concerned for the possibility of the pouch of wine splitting is unsuccessfully challenged.

The Gemara unsuccessfully challenges the assertion that R' Yehudah is not concerned with the possibility of death.

2) Clarifying R' Meir's ruling that an animal is unfit for use as a wall of the sukkah

The explanations of Abaye and R' Zeira are successfully challenged and the two versions of R' Acha bar Yaakov's explanation for R' Meir's position are recorded.

The difference between the two explanations is identified.

3) Clarifying the dispute about writing a טג on something that is alive

The point of dispute between R' Yosi and Rabanan concerning a טג written on something that is alive is explained.

4) MISHNAH: The Mishnah rules that a sukkah built with trees as its walls is valid.

5) Walls that can not stand in normal winds

R' Acha bar Yaakov rules that a wall that can not stand in a normal wind is not a valid wall.

The Gemara begins a series of unsuccessful challenges against this ruling. ■

Distinctive INSIGHT

A wall which flaps in the wind

כל מחיצה שאינה יכולה לעמוד ברוח מצויה אינה מחיצה

Rashi explains that the inability of a wall to withstand the wind means that it flaps to and fro in the wind.

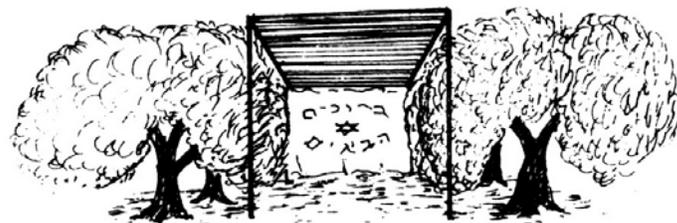
HaRav Moshe Feinstein, zt"l, (Igros Moshe O.C. 5:40-2) writes that this comment of Rashi implies that the wall is invalid even if it is secured at the top and bottom. If the wall is not solid, and it is blown with the wind until it becomes somewhat rounded, this is unacceptable for a sukkah. A person would not reside in a dwelling with this type of wall. Although it is valid for the halachos of Shabbos once it is tied, nevertheless, it fails the test of תשבו כעין תדורו.

The Gemara initially challenges the statement of Rabbi Acha which is cited in reference to sukkah and contrasts it to the halachos of walls on Shabbos. This is because the halachah requires in both cases that a wall be able to stand in a normal wind. For Shabbos, though, once it is tied down it is valid.

Magen Avraham (630:#16) explains that the guideline of "being able to withstand a normal wind" is a qualitative standard, and it is not measured in each situation subjectively. In other words, even if a sukkah is shielded by buildings and no wind can reach it, if the walls are flimsy and would not be able to withstand a normal wind if they would be exposed, that sukkah is disqualified.

Shulchan Aruch HaRav corroborates this opinion, and compares it to the law of a suspended wall which does not reach within three tefachim of the ground. This wall is invalid because a goat can poke its head underneath. This measurement is applicable even in a place where no goats are present, because it is a qualitative measurement rather than a subjective limit. ■

Daf DIAGRAM



העושה סוכתו בין האילנות דפנות לה—כשרה

If a sukkah is built among the trees, and the trees are its walls, the sukkah is kosher. Rashi explains that the sukkah is built on the ground, not leaning upon the trees.

HALACHAH Highlight

When are we concerned about death?

ור' יהודה לא חייש למיתה

And R' Yehudah is not concerned for the possibility of death.

Rambam¹ rules that one may use an animal as a partition for the sukkah, thus indicating that he is not concerned that the animal may die. Rav Avrohom di Boton² notes that this is contradicted by Rambam's ruling³ concerning a person who promised that sometime before his death he commits to be a nazir. Rambam rules he is a nazir immediately because we are fearful that he may die. Rav Tzvi Ashkenazi⁴ notes another contradiction. Rambam⁵ rules that if a man gives a גט to his wife and stipulates that it will be activated a moment before he dies, if he is a kohen she is immediately prohibited from eating terumah because we are concerned that he may die. Accordingly, Rambam should rule like R' Yehudah (יומא ב) and require that we prepare a replacement wife for the Kohen Gadol. Yet, he rules according to Rabanan who are not concerned with the possibility that the Kohen Gadol's wife may die⁶.

Rav Yaakov Ettlinger⁷ posited an explanation that would resolve these contradictions. He suggests that the distinction lies in whether the concern for death is limited to a defined period of time or if it is a concern for an indefinite period of time. In other words, in a given period, even if that period is five years or more, it is uncommon for any particular person to die and therefore we assume this person is characteristic of the majority of people who will not die during this defined period of time. If, however, the period is undefined and the concern is that this person may at some point die we must exercise con-

REVIEW and Remember

1. Why, according to R' Yehudah, do they prepare a replacement wife for the Kohen Gadol if R' Yehudah is not concerned with the possibility of death?

2. What is the status of a wall held up by an inflated pouch used for wine?

3. How do we know that a divorce can only be effected by a written document?

4. According to R' Acha bar Yaakov what is the minimum strength of a valid partition?

cern immediately since we know that everyone will eventually die. Therefore, concerning the animal used for the partition or the wife of the Kohen Gadol, Rambam rules there is no immediate concern for the possibility of death, since we are dealing with a defined period of time. In the other cases where the concern would be for an undefined period, caution must be exercised immediately. ■

1. פ"ד מהל' סוכה הל' ט"ז
2. לחם משנה פ"א מהל' נזירות ה"ד
3. פ"א מהל' נזירות ה"ד
4. שו"ת חכם צבי סי' ק"ו
5. פ"ט מהל' תרומות ה"א
6. ע' ריש הל' עבודת יוה"כ ה"ג שלא הזכיר דעת ר' יהודה ע"ש
7. ערוך לנר לסוכה כד. בגמרא ור"י לא חייש למיתה ■

STORIES Off the Daf

The trees of life

העושה סוכתו בין האילנות והאילנות דפנות לה כשרה

On today's daf we see that if one uses trees that are well secured for the walls of one's sukkah, it is kosher. The Mekor Chaim, zt"l, explains that these trees represent Torah, the "tree of life," and repentance which is also like a tree. The Torah compares a human being to a "tree of the field," and teshuvah is the process through which a person is recreated and begins a new life. The ill winds of the yetzer hara try to overwhelm a person and drive him to despair that change is impossible, so we need to deeply believe that

teshuvah always helps. As the Toras Avos, zt"l, writes, "Why does Hashem give us life? Because as long as we are alive, we can still repair everything that we have done wrong!"

Just when Rav Boruch Ber Lebovitz, zt"l, returned to Poland with his family after World War 1, his father, Rav Shmuel Lebovitz, zt"l, took ill. Rav Boruch Ber sat at his father's bedside day and night until the family began to fear for his health as well. After much pleading, they convinced the Rav to allow one of his students to sit up with his ailing father while the Rosh Yeshiva grabbed some much needed rest.

That night, Rav Shmuel died. Rav Boruch Ber felt terrible guilt: if only he had been there to comfort and care for

his father, perhaps he would still be alive. He was so pained by this thought that he could no longer teach.

The Chofetz Chaim, zt"l, heard about the problem and summoned Rav Boruch Ber. When he arrived, the Chofetz Chaim held Rav Boruch Ber's hands for half an hour and gently repeated, "Teshuvah is a gift from our Creator. It doesn't only atone for a person's sins, it transforms him into a completely new person. Why should you feel so pained about the past? You are a completely different person now."

Later, whenever Rav Boruch Ber felt the sadness and guilt come over him, he would echo the gentle words of the Chofetz Chaim. "I am a new person! I am a new person!" ■

