



Volume 7. Issue 34

The Boundaries of Halacha

The festival of *Sukkot* is referred to twice in the *Mishnayot* that we studied last week.

In the first reference (3:7), the *Mishnah* discusses whether a *sukkah* is sufficiently like a house so as to render produce liable to *maasrot* and even prohibit snacks (see previous issue). According to *R' Yose*, a *sukkah* is considered to be a permanent dwelling like a house during the festival of *Sukkot* and therefore it renders produce liable to *maasrot*. However, according to the *Chachamim* (which is the *Halacha*) a *sukkah* is by definition a temporary dwelling, even during the festival of *Sukkot*. Therefore a *sukkah* will not render produce liable to *maasrot*.

The second reference to *Sukkot* is not as obvious. The *Mishnah* (4:4) discusses un-tithed wine that is still in the winepress and therefore is not yet fully processed. Such wine may be drunk casually, but not in a formal manner. Drinking the wine over the press is considered 'casual' and is permitted. Taking the wine away from the area over the press is considered 'formal' and is not allowed.

Kehati (based on the *Gemara Shabbat* 11b) defines 'drinking the wine over the press' as being when a person has their head and more than half of their body over the press.

The same measurement also appears in the *Mishnah* in *masechet Sukkah* (2:7). We see there, that for a person to be considered 'in the *sukkah*' they must have their head and the majority of their body in the *sukkah*. The minimum size of a *sukkah* to be *halachically* valid is seven *tefachim* by seven *tefachim* because that is big enough to contain a person's head, the majority of their body and a small table (*Sukkah* 3a).

The 'head and majority of body' test is also applied elsewhere. The *Gemara* (*Eruvin* 99a) states that it is forbidden on *Shabbat* to stand in one domain (either a *reshut harabim* or a *reshut hayachid*) and bend forward into the opposite domain (ie a *reshut hayachid* or a *reshut harabim*) to drink. The concern is that the person

may transfer the cup into the domain in which they are standing and thereby violate the prohibition on *Shabbat* against transferring objects from one domain into another domain. However, the *Gemara* rules that if his head and most of his body are in the domain in which he is drinking, then it is permitted.

The three cases outlined above all focus on where a person is located for the purposes of the *Halacha*. Or perhaps more precisely, when does the *Halacha* consider that a person is sufficiently in a location such that we are no longer concerned that the person might inadvertently move their food or drink out of that particular location (i.e. out of the *sukkah*; into a different domain on *Shabbat*, or away from the area over the wine press).

In the case of the *sukkah*, a male is generally obligated to eat while inside a *sukkah*. The case of 'inside' however needs to be accurately defined, specifically in cases where a person is only partially within a *sukkah*. Based on the discussion above, the *Halacha* is clear. For the purposes of *Halacha*, a person is considered to be wherever their head and the greater part of their body are located. At that point we are no longer concerned that they will inadvertently consume food or drink outside the *sukkah*.

We can see a very important principle at play here. The *Mishnah* and the *Gemara* are purposely defining the outer limits of the *Halacha* in order to facilitate its application to real life scenarios.

When studying *Mishnayot* and *Gemara* we often come across cases that seem very far-fetched and highly improbable. The case of a tiny *sukkah* that is just big enough for one's head and the majority of their body might seem strange. However we are not necessarily learning about cases that really happened. The cases are deliberately set right at the boundary of the *Halacha* so that we can see precisely where that boundary lies. In this way, when we are faced with a real case we can determine which side of the boundary we are on.

Allon Ledder

Revision Questions

מעשרות ג' א' – ד' ד'

- Can anyone eat from figs (without separating *ma'asrot*) that have been carried through the courtyard of a house and placed in area set aside for drying? Under what circumstances can the workers eat these figs? (א': ג')
- When can a general field worker (not involved in working directly with fruit) eat fruit without separating *ma'asrot*? (2 cases) (ב': ג')
- When can a general field worker (working directly with fruit) eat fruit without separating *ma'asrot*? (ג': ג')
- When can one who finds dried figs in the street, eat them without separating *ma'asrot*? (ד': ג')
- What type of *chatzer* is *kove'ah*? (include all opinions) (ה': ג')
- Are roofs *kove'ah*? (ו': ג')
- Is a porch *kove'ah*? (ז': ג')
- Which of the following are *kove'ah*? (ח': ג')
 - Guard's hut in a field.
 - A potter's hut.
 - *Sukkah*.
- If a fig tree is growing in a *chatzer* (that is ordinarily *kove'ah*) can one eat from its fruit without separating *ma'asrot*? (ט': ג')
- What are the two opinions regarding the way one can eat grapes from a vine planted in a *chatzer* without separating *ma'asrot*? (י': ג')
- How can one eat fruit from a fig tree without separating *ma'asrot* if: (יא': ג')
 - The tree is planted in the field, yet its branches hang over into the *chatzer*.
 - The tree is planted in the *chatzer*, yet its branches hang over into the field.
- If a tree is planted on the border of Israel, yet its branches hang over the border what is used to determine with one must separate *ma'asrot* from its fruit – the branches or the roots? (יב': ג')
- If a tree is planted on the border of Jerusalem, yet its branches hang over the border what do is used to determine whether one can redeem the *ma'aser sheni* – the branches or the roots? (יג': ג')
- What are the six things that are *kove'ah*?
- Which of the following processes are *kove'ah*: (יד': א')
 - Pickling?
 - Cooking?
 - Burying (in ripe produce)?
- When is squeezing olives *kove'ah*? (יד': א')
- Explain the debate regarding the status of fruit that have been set aside for *Shabbat*. (טו': ב')
- When is salting *kove'ah* for olives? (Include both opinions) (טז': ד')
- Explain the three-way debate regarding whether diluting wine is *kove'ah*? (טז': ד')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf

9:00am

Kollel Magen Avraham

Reemon Neighbourhood

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Rabbi Chaim Brown

www.shemayisrael.com/mishna/

Rav Meir Pogrow

613.org/mishnah.html

Rabbi E. Kornfeld

Rabbi C. Brown

<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR

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Rabbi Moshe Meir Weiss

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Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 th February כ"ג אדר א'	28 th February כ"ד אדר א'	1 st March כ"ה אדר א'	2 nd March כ"ו אדר א'	3 rd March כ"ז אדר א'	4 th March כ"ח אדר א'	5 th March כ"ט אדר א'
Maasrot 4:5-6	Maasrot 5:1-2	Maasrot 5:3-4	Maasrot 5:5-6	Maasrot 5:7-8	Maaser Sheni 1:1-2	Maaser Sheni 1:3-4

