



Tree House Sukkah

The *Mishnah* (2:3) teaches that if one constructed a *sukkah* on top of a camel or in a tree, the *sukkah* is valid. One however, is not allowed to go into the *sukkah* on *yom tov*. The *Bartenura* explains that on *yom tov* the *Chachamim* forbade climbing or using a tree out of concern that they might break off a branch. The *Tosfot Yom Tov* notes that a similar *gezeira* applies to riding animals on *Yom Tov*, out of concern one might break off a branch to control the animal when riding it (*Beitzah* 5:2). One would however be able to use the *sukkah* during *chol hamoed*, when the *gezeira* does not apply.

The *Gemara* explains that whether the *sukkah* is also valid during *chol hamoed* is the subject of debate. Our *Mishnah* is according to the opinion of *R' Meir*. *R' Yehuda* however argues that since the *Torah* writes "you shall dwell in your *sukkot* for seven days", the *sukkah* must be fit for dwelling in for all seven days of *sukkot*. Since the *sukkah* cannot be used on *yom tov*, the *sukkah* is not valid on *chol hamoed* either.

The *Gemara* explains that *R' Meir* reasons that on a biblical level, the *sukkah* is indeed fit for dwelling in for all seven days of *sukkot*. It is a rabbinic *gezeira* that prohibits one from using it. Consequently, the *sukkah* fits the *Torah's* definition of a *sukkah*. While the *Gemara's* discussion is focused on the case of the *sukkah* on a camel's back, the *Tosfot* explain that it applies equally to the case of the *sukkah* in a tree.

One might still ask, even though the prohibition is rabbinic, it still prevents the person from using the *sukkah* for the full seven days. Why then, according to *R' Meir*, is the *sukkah* still valid during *chol hamoed*?

The *Shaarei Yitzchak* (cited by *Yalkut Biurim* 23a) explains that while there is a rabbinic *gezeira* preventing the person from utilizing the *sukkah*, the prohibition applies to the person and not the *sukkah*. Put simply, the prohibition is on the *gavra* (the person) and not the *cheftza* (*sukkah*). Consequently, the *sukkah* itself is a valid *sukkah* for use. There is no *pesul* that applies to it on any of the days of *sukkah*. Instead, there is simply a side technical reason why one may not enter it on *sukkot*. Consequently, *R' Meir* maintains that the *sukkah* can be used during *chol ha'moed*.

How would *R' Yehuda* respond?

The *Avnei Nezer* (472:4) explains that according to *R' Yehuda* even though that which is preventing him from going into the *sukkah* is rabbinic it would still invalidate the *sukkah* on a biblical level. He explains that we have a principle of *teshvu ke'ein tadur*. In other words, since the *Torah* instructs us to dwell (*teshvu*) in the *sukkah*, one must be able to live in the *sukkah* as they would in their home. That is the basis for the exemption of a *mitzta'er* – one who is pained with being in the *sukkah*. If one's house was on a camel, they would not enter it on *yom tov* given the *issur*. Therefore, the *sukkah* would not qualify for *teshvu ke'ein tadur*. There is no difference whether the anguish is a physical discomfort or is caused by a rabbinic prohibition. Unless we are dealing with someone who disregards rabbinic law, this individual is a *mitzta'er* and the *sukkah*, according to *R' Yehuda*, is not fit for use for the duration of *sukkot*.

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Revision Questions

סוכה א' ג' – ב' ה:

- Can one spread a shade-cloth over the *schach*? (א' ג')
- How can one fix a *sukkah* that had a vine growing amongst the *schach*? (א' ד')
- What are the two criteria of *kosher schach*? (א' ד')
- Can one use bundles of straw as *schach*? (א' ה')
- Explain the debate regarding whether one can use planks of wood for *schach*? (א' ו')
- What does one need to do in order to fix a *sukkah* that has a roof made of planks of woods (which are not plastered)? (Include both opinions) (א' ו')
- When would a *sukkah* be *kosher* if the roof was covered with metal rods? (א' ח')
- Can one make a *sukkah* by carving out a room from a stack of hay? (א' ח')
- If a *sukkah* was made of hanging walls, how close to the ground must they be? (א' ט')
- What are the dimensions of the walls such that they are not required to be tall enough to reach the *schach*? (א' ט')
- What is the maximum gap (of empty space) allowed between the *schach* and the walls? (א' ט')
- What is the maximum space (of roofing) allowed between the *schach* and the walls? (א' י')
- What two cases are brought in the *Mishnah* as examples for the *halacha* referred to in the previous question? (א' י')
- Is a *sukkah* built like a tent (Λ) acceptable? (א' י"א)
- If someone slept under their bed in the *sukkah* have they fulfilled the obligation of sleeping in the *sukkah*? (Explain both opinions.) (א' ב')
- Explain the debate regarding a *sukkah* whose wall is supported by a bed? (א' ב')
- What is a *sukkah meduvlelet* and is it *kosher*? (א' ב')
- Are the following *sukkot* acceptable: (א' ב')
 - A *sukkah* constructed on a boat?
 - A *sukkah* constructed in a tree?
- Which of the two *sukkot* described in the previous question can one enter on *Yom Tov* and why? (א' ג')
- Can one make a *sukkah* where trees are used to make the walls? (א' ד')
- Which people are exempt, due to their circumstance, from sitting in a *sukkah*? (א' ד')
- What can one eat outside a *sukkah*? (א' ד')
- What three things did R' Tzadok do when he was given food less than a *ke'beitzah* and why? (א' ה')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 July י"ג תמוז	3 July י"ד תמוז	4 July ט"ו תמוז	5 July ט"ז תמוז	6 July י"ז תמוז	7 July י"ח תמוז	8 July י"ט תמוז
Sukkah 2:6-7	Sukkah 2:8-9	Sukkah 3:1-2	Sukkah 3:3-4	Sukkah 3:5-6	Sukkah 3:7-8	Sukkah 3:9-10

