

הוציין יורדין לתוך י'

I. דירה סרוחה:

- A. גמ' סוכה ד. אמות 20 is taller than 20 אמות and there are branches hanging down under 20 אמות. If there is more shade coming from the branches than there is sun, then the סוכה is כשר. However, if there is more sun coming from the branches than there is shade, then the סוכה is פסול. A סוכה is 10 טפחים tall and there are branches hanging down within 10 טפחים, what's the דין? According to אב"י, the דין is the same as when it comes to a סוכה that's 20 אמות tall - if there is more shade coming from the branches than there is sun, then it is פסול and if not, then it's כשר. However, רבא says that even if there would be more sun than shade coming from the branches, it would be a problem b/c it's a דירה סרוחה.¹
1. Q: What is a דירה סרוחה?
 2. A: The ריטב"א ד"ה הא דאמרין quotes 2 opinions:
 - a) The ריטב"א says that since you can't live in such a סוכה in a normal fashion, that is a חסרון in תדורו and therefore, the סוכה is התורה מן התורה.
 - b) But יש מפרשים that the סוכה is not פסול, it's just that you should not build a סוכה in such a way, b/c if you do, then you will not be able to stay there. This is what the רמב"ם הלי' סוכה ה:ב seems to say as well.
 - (1) Q: Who's right?
 - (2) A: The ערול"ג ד"ה בגמרא ואין אדם says that the רמב"ם has to be correct, דירה פסול... is not a סרוחה.
- B. גמ' סוכה ד:ה: tries to figure out why a סוכה needs to be 10 טפחים tall and concludes that there are 2 different sources. According to one opinion we learn it from the ארון and according to the other opinion, it's a הללמ"ס.
1. The ערול"ג says that if anything less than 10 טפחים is a דירה סרוחה, then a סוכה that's under 10 טפחים should be פסול b/c of תשבו כעין תדורו. From the fact that תשבו כעין תדורו is not the מקור for being פסול a סוכה that's under 10 טפחים, is a proof that דירה סרוחה is not a real פסול.
 2. The שפ"א סוכה ד. ד"ה שם בגמ' says that this is not a ראייה, b/c the גמ' סוכה ד:ה: is trying to figure out how we know that the walls of the סוכה need to be 10 טפחים, but we already know that the סכך needs to be 10 טפחים tall b/c if not, then it's a דירה סרוחה.
 - a) When it comes to a סוכה that is less than 10 טפחים there could be a deficiency in the walls and there could also be a deficiency in a person's ability to live there.
 - b) So whenever we are dealing with a small סוכה, we have to figure out whether we are dealing with a חסרון in the מחיצות or a חסרון in the דירה.

II. ביאור הגר"ז - תשבו כעין תדורו:

- A. מתני' וגמ' סוכה כא: if a person leans his סוכה on the frame of a bed, it's כשר. But יהודה ר' says that if the סוכה can't stand on its own, then it's going to be a problem. What's the

¹ The בדפי הרי"ף says that if you have a סוכה that's 6x6 טפחים, it's like a דירה סרוחה, b/c even though it's the proper שיעור, you would not be able to have דירה there.

reason for ר' יהודה's שיטה? One opinion says that it's b/c אין לה קבע and the other opinion says that it's b/c the סכך is טומאה.

1. ר' יהודה is the תנא in the מתני' סוכה ב. who holds that סוכה דירת קבע בעינן, so this could be ר' יהודה's שיטה. 2. ראשונים make this point...
 - a) רש"י ד"ה שאין לה says that when the גמ' says that it's not קבע, it means that the סוכה is moveable and that's not good for a סוכה. Something that's moveable is not considered to be קבע and so, it's problematic, b/c ר' יהודה holds that סוכה דירת קבע בעינן.
 - b) The רמב"ם פה"מ סוכה ב:ב also says that ר' יהודה is לשיטתו b/c he holds that a סוכה needs to be a קבע דירת.
 2. In order to understand whether this equation that רש"י and the רמב"ם make is correct, we need to understand what "אין לה קבע" means. There are 4 ביאורים in the ראשונים...
 - a) רש"י ד"ה שאין לה says that it's not קבע, b/c it moves. We can understand how this is linked to ר' יהודה's שיטה - if something moves, then it may not be a דירת קבע.
 - b) The ראב"ד על הרי"ף סוכה י. (בדפי הרי"ף) says that this סוכה is so weak that if you would move the כרעי המטה, it would fall down. This is what the גמ' means when it says "אין לה קבע" - such a סוכה is weak, it's like a סוכה that can't withstand a normal wind. We can also understand how this type of deficiency is related to ר' יהודה's שיטה of סוכה דירת קבע בעינן.
 - c) The רמב"ן (ריטב"א סוכה כא: ד"ה מ"ט דר"י פליגי) says that the problem is that the bed is upside down and you put the סכך on top of it. You are probably not going to leave it as such, b/c you are going to want to lie down on the bed. You are going to flip the bed around and then you won't have a סוכה anymore. If you build a סוכה in a way that you are going to move it, it's like "עמוד ונעשה מלאכתנו" - the way it is is fine, but since you are going to change it later on, it's a problem now. According to this, also we can understand ר' יהודה's שיטה that סוכה דירת קבע בעינן, b/c there is a permanence missing.
 - d) ירושלמי סוכה ירושלמי says that when the גמ' says that the סוכה is not קבע, the ירושלמי סוכה י says it means that it's not 10 טפחים tall. This means that from the bed to the top of the סוכה, is not 10 טפחים. We count the 10 טפחים from the part of the bed that a person lies on, not from the floor. This סוכה is a problem according to ר' יהודה, b/c it's not קבע.
- (1) Q: 2 Questions:
- (a) According to this שיטה, which is the שיטה of most of the ראשונים, what does this have to do with ר' יהודה's שיטה that סוכה דירת קבע בעינן? Everyone holds that a סוכה needs to be 10 טפחים, so what does this have to do with the סוכה דירת קבע עראי or סוכה דירת קבע רבנן and ר' יהודה's שיטה?
 - (b) According to ירושלמי and תוס', something that's less than 10 טפחים is not קבע. What's the connection between these 2 things?
- (2) A: The גר"י הל' סוכה says that the equation of רש"י and the רמב"ם is not coincidental, the ראשונים agree that there is a connection between the 2

² It could be that תוס' and the ירושלמי didn't think that the 2 statements were related.

statements of ר' יהודה and תוס' in ירושלמי, you can say that ר' יהודה's statements are connected...³

- (a) The גר"ז says that there are 2 distinct הלכות in the requirement to have 10 טפחים for a מחיצה...
- There is a דין in הל' מחיצות that they need to be 10 טפחים. The גמ' סוכה discusses the מקור for this and says that it's either from the ארון or הללמ"ס.
 - There is a different דין that a דירה needs to be 10 טפחים, b/c otherwise you cannot live there. The מקור for this דין is תדורו.
- (b) The גר"ז says that when it comes to determining the 10 טפחים, we use 2 different measurements. In order for a סוכה to be כשר, it needs to both be 10 טפחים and a דירה. There are times when these things are not the same. When you have a סוכה with a bed in it and there are not 10 טפחים from the base of the bed to the סכך, that סוכה has 10 טפחים, b/c putting a bed in doesn't change the ground level, however, it's not a מקום דירה. This סוכה is lacking in the שיעור of דירה, but is not lacking in the הלכה שיעור ע"פ הלכה.
- The גר"ז says that the דין that דירה requires a שיעור is not so פשוט. There are 2 ways that we can understand the דין of תשבו כעין תדורו...
 - The דין of תדורו could be a דין in the גברא - it tells a person how he must live in the סוכה.
 - Or תשבו כעין תדורו could be a דין in the הפצא - if you can't do דירה in a certain סוכה, then it is פוסל that סוכה של סוכה.⁴
 - ...The גר"ז says that this is the מח' between ר' יהודה and the רבנן...

³ He notes that this is not the פשטות הדברים.

⁴ We see 2 cases where this plays itself out...

- The מרדכי סוכה ס' תשמ says that if a person builds a סוכה in a place where he won't be able to use it for one of its functions, if he builds it in a way that he will be מצטער regarding one of the functions, he cannot be יוצא anything in it at all. If a person would be able to eat in a סוכה, but would be מצטער in regards to sleeping in that same סוכה, then he would not even be יוצא eating in such a סוכה, b/c it's not כעין דירה in that you can use it for everything. The דין of תשבו כעין תדורו is fundamentally is דין in the גברא, it's what we are supposed to do in the סוכה. We see from the מרדכי that תשבו כעין תדורו also is a דין in the הפצא, it tells you that a סוכה is only something that's ראוי for דירה. If a סוכה is not fit for all purposes, then it's פסול. But the חכם צבי ס' צד says that you can't sleep comfortably in a סוכה that's 7x7 and the fact that a סוכה that's 7x7 is כשר tells us that the מרדכי is incorrect. Therefore, according to the חכם צבי, the דין of תדורו is only a דין in the גברא and not the הפצא.
- The גר"ז says that there are cases where you can have a סוכה that is כשר, but that you can't do דירה in. This is like a סוכה in the rain - the הפצא of the סוכה is כשר, but you cannot sit there, b/c you as a גברא are מצטער. The fact that you can't be מקיים the מצוה doesn't impact on the הפצא of the סוכה. But the ביאור הגר"א או"ח תרל"ט says when it is raining in the סוכה, it is not a סוכה at all. Some ראשונים say that if it is raining on the first night of סוכה, you still have to sit in the סוכה b/c there is no פטור of מצטער. However, even if you hold that there is no פטור of מצטער on the first night, you can't sit in the סוכה, b/c it's not a סוכה. According to the גר"ז, a סוכה in the rain is a חסרון in the גברא, but according to the גר"א, it's a חסרון in the הפצא.

- (1) According to תשבו קבע is קבע that a סוכה needs to be מקור, ר' יהודה holds that it's a דין in the חפצא, that the סוכה needs to be a דירת קבע.
- (2) But the רבנן hold that תשבו קבע is a דין in the גברא. The דין of תשבו קבע doesn't have anything to do with the physical structure of the סוכה.⁵
- (a) The גר"ז says that the שיעור of a סוכה built במטה is o.k. in terms of הלכה, but not in terms of דירה. This is why ר' יהודה says that this סוכה is not כשר, it's קבע אין לה - this סוכה is not a דירת קבע, b/c it's like a דירה סרוחה in that you can't live in it.
- (b) Therefore, קבע אין לה and מ"טפחים are the same thing - there is a lack of קבע in that there is a lack of דירה.
- (c) Then the גר"ז says that measuring the 10 טפחים based on דירה is what the גמ' סוכה ד. is talking about...
- i) When אב"י says that if the הוציא are י"י, if there is מרובה, then the סוכה is כשר, b/c there's still 10 טפחים there. אב"י is viewing it in terms of the physical structure.
- ii) But רבא says that this סוכה is a דירה סרוחה. We would expect ר' יהודה to say something like that, but not רבא, b/c he holds like the רבנן that דירה is a דין in the גברא. Therefore, the רמב"ם concluded from this that when רבא said that such a סוכה is a דירה סרוחה, he was saying that you should not build your סוכה in such a way, b/c you will have to leave it, but not that there's a דין דאורייתא that the סוכה is פסול even בדיעבד.
- (1) Q: How do the other ראשונים understand what's going on, they hold that when רבא says that this סוכה is a דירה סרוחה, he is saying that it's פסול בדיעבד?
- (2) A: The גר"ז says that ע"פ הלכה, there are 10 טפחים in this סוכה. When רבא said that it's a דירה סרוחה, he was saying that it's פסול b/c there's no שיעור דירה. The רבנן hold that there is a דין דירה in a סוכה, but they hold that the דירה has to be a דירת עראי, as opposed to ר' יהודה who holds that it has to be a דירת קבע. The כשרות of the structure of the סוכה depends on whether it's a דירה מקום or not. Since this סוכה is not even a דירת עראי, רבא holds that it's פסול בדיעבד.
- (a) According to these ראשונים, the רבנן would have to agree that a סוכה built on במטה is a problem b/c there is no דירה that can happen there. The רא"ש סוכה ב:א says that this is true, he says that there is no מח' between ר' יהודה and the חכמים in the case of a סוכה on במטה.

⁵ There are 2 פרשיות in the תורה about סוכה - in פרשת אמור the תורה talks about sitting in the סוכה and in פרשת ראה, the תורה talks about building the סוכה. The שאילתות שיאלתא קסט makes note of this point. According to the רבנן, these 2 פרשיות are totally unrelated, but according to ר' יהודה, these 2 פרשיות are very related.

- (b) These ראשונים will also say that אין לה קבע doesn't mean that the מחיצות aren't tall enough, but that it's a סרוחה.