

Daf 3a

due to the fresh air that circulates through the openings in the wall. **However, according to the one who said** that it is specifically in the case of a **small sukka** that there is a **dispute** between Rabbi Yehuda and the Rabbis, in which case the *baraita* is referring to a case where Queen Helene resided in a small *sukka*, **is it customary for a queen to reside in a small sukka** whose area is less than four cubits squared? **Rabba bar Rav Adda said:** This ruling **is necessary only** in the case of a **sukka that is constructed** with several **small rooms [kitoniyot]**. The *sukka* was large, but it was subdivided into many small rooms, each of which was smaller than four square cubits.

משום אוירא אלא למאן
דאמר בסוכה קטנה
מחלוקת וכי דרכה של
מלכה לישב בסוכה
קטנה אמר רבה בר רב
אדא לא נצרכה אלא
לסוכה העשויה קיטוניות
קיטוניות

Comment/Chiddush

This indicates that an undersized part of a sukka is disqualified, though it is part of a larger, kosher one. The Magen Avraham understands that this would disqualify a corner of a sukka less than 7x7. The Mishna Berura concurs, though he allows one to have his table there.

Again, the Gemara asks: **Is it then customary for a queen to reside in a sukka constructed** with several **small rooms** without leaving a large room in which she could assemble her family and servants? **Rav Ashi said:** This ruling **is necessary only** with regard **to the compartments** in the *sukka*. It was indeed a large *sukka* with a large central room; however, there were many small rooms adjacent to the main room. It is with regard to this type of *sukka* that there is a tannaitic dispute.

וכי דרכה של מלכה
לישב בסוכה העשויה
קיטוניות קיטוניות
אמר רב אשי לא
נצרכה אלא
לקיטוניות שבה

Comment/Chiddush

Why would this not compare with the principle of psal hayotze – that a non-kosher extension to a larger sukka receives its qualification as an auxiliary to the main sukka? See daf 4a

The Rabbis hold: Her sons were residing in a full-fledged *sukka* with a large central room, which everyone agrees was fit. **However, she often resided in the small rooms due to modesty**, to avoid being in the public eye. **And for that reason** the Elders **did not say anything to her**, as even if the small rooms were too small relative to the height of the *sukka*, there was no problem since her sons did not sit in them. **And Rabbi Yehuda holds:** Her sons would occasionally reside with her in the small room, **and even so**, the Elders **did not say anything to her**, indicating that a *sukka* more than twenty cubits high is fit even in a small *sukka*. Now that the *Tosefta* can be explained according to all the statements cited by the *amora'im* in the name of Rav, no proof can be cited with regard to the essence of the dispute between Rabbi Yehuda and the Rabbis with regard to a small *sukka* more than twenty cubits high.

רבנן סברי בניה
בסוכה מעליא הוו
יתבי ואיהי יתבה
בקטוניות משום
צניעותא ומשום הכי
לא אמרי לה דבר
ור' יהודה סבר בניה
גבה הוו יתבי
ואפ"ה לא אמרי לה
דבר

Comment/Chiddush

Where were her sons sitting? Rashi finds it hard to believe they all fit into a place less than 7x7. Tosfos explains that it was narrow but long, so they all fit in easily.

§ **Rav Shmuel bar Yitzhak said:** The *halakha* is that one's *sukka* **must be large enough to hold his head, and most of his body, and his table.** **Rabbi Abba said to him**, astonished: **In accordance with whose** opinion did you rule? Was it **in accordance with** the opinion of **Beit Shammai**? This is the subject of a dispute between Beit Shammai and Beit Hillel, and according to Beit Hillel it is sufficient for the *sukka* to be large enough to hold one's head and most of his body; it need not be large enough to hold his table as well. The halakhic ruling that you issued is in accordance with the opinion of Beit Shammai, despite the fact that in disputes between Beit Shammai and Beit Hillel, the *halakha* is in accordance with the opinion of Beit Hillel. **Rav Shmuel bar Yitzhak said to him: Rather, in accordance with whose** opinion should I rule? Yes, my ruling is in accordance with the opinion of Beit Shammai because in this case that is the *halakha*.

אמר רב
שמאל בר
יצחק הלכה
צריכה שתהא
מחזקת ראשו
ורובו ושולחנו
א"ל רבי אבא
כמאן כב"ש
א"ל אלא כמאן

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Some say that the exchange between the *amora'im* was slightly different. **Rabbi Abba said: Who stated that opinion to you?** Rav Shmuel bar Yitzhak **said to him: It was Beit Shammai, and nevertheless do not budge from it**, as that is the established *halakha*. Based on either version of the exchange, there is a dispute between Beit Shammai and Beit Hillel with regard to the minimum measure of a small *sukka*.

איכא דאמרי אמר רבי אבא דאמר לך מני א"ל ב"ש היא ולא תזוז מינה

Rav Nahman bar Yitzhak strongly objects to this assumption: From where do you conclude that Beit Shammai and Beit Hillel disagree with regard to the minimum measure of a small *sukka*? Perhaps it is with regard to a large *sukka* that they disagree, and in a case where one is sitting at the entrance of the *sukka* and his table is inside the house. As Beit Shammai hold that we issue a decree to prohibit one from sitting that way lest he be drawn after his table while eating, to the extent that his head and most of his body will be inside the house and not inside the *sukka*. And Beit Hillel hold that we do not issue that decree.

מתקיף לה רב נחמן בר יצחק ממאי דב"ש ובית הלל בסוכה קטנה פליגי דלמא בסוכה גדולה פליגי וכגון דיתיב אפומא דמטולתא ושולחנו בתוך הבית דבית שמאי סברי גזרינן שמא ימשך אחר שולחנו ובית הלל סברי לא גזרינן

Comment/Chiddush

What about someone eating in a small *sukka* with his table inside a big one? If the problem is that he might be pulled after his table, then it ought to be ok, because his table is in a large *sukka*. If the problem is that a small *sukka* is not fit for habitation, this would be disqualified. See Previous comment.

And the language of the mishna is also precise, as it teaches: In the case of one whose head and most of his body were in the *sukka* and his table was in the house, Beit Shammai deem it unfit and Beit Hillel deem it fit. And if it is so that the dispute is with regard to the minimum measure of the *sukka*, the formulation of the mishna is missing the essential point. The distinction between a *sukka* that holds and a *sukka* that does not hold his head and most of his body is what the mishna needed to say. Since the mishna does not make that distinction, apparently the dispute is not with regard to the minimum measure of a *sukka*.

ודיקא נמי דקתני מי שהיה ראשו ורובו בסוכה ושולחנו בתוך הבית ב"ש פוסלין ובית הלל מכשירין ואם איתא מחזקת ואינה מחזקת מיבעי ליה

Comment/Chiddush

Tosfos takes the astonishing view that Beit Shammai totally disqualified this performance of *sukka*, even on a biblical level. However, others understand that the disqualification can only be rabbinical. If one ate in such a *sukka* the first night of Sukkos, does he need to repeat the blessing when he eats again to fulfil this decree? This would depend on the two views of if the disqualification was total or only rabbinic.

The Gemara questions this conclusion: **And in the case of a small *sukka* do Beit Shammai and Beit Hillel not disagree? But isn't it taught in another *baraita*: A *sukka* that holds his head, and most of his body, and his table is fit. Rabbi Yehuda HaNasi says: It is unfit until it measures at least four cubits by four cubits.**

ובסוכה קטנה לא פליגי והתניא מחזקת ראשו ורובו ושולחנו כשרה רבי אומר עד שיהא בה ארבע אמות על ארבע אמות

Comment/Chiddush

Rabbi Yehuda HaNasi holds that a *sukka* needs to have some permanence, hence it needs to be full sized.

And it is taught in yet another *baraita* that Rabbi Yehuda HaNasi says: Any *sukka* that does not have an area of at least four cubits by four cubits is unfit. And the Rabbis say: Even if it holds only his head and most of his body, it is fit. However, the term: His table, is not taught in this *baraita*. If so, these two tannaitic sources contradict each other, as each attributes a different opinion to the Rabbis. Rather, must one not conclude from it that

ותניא אידך רבי אומר כל סוכה שאין בה ארבע אמות על ארבע אמות פסולה וחכ"א אפילו אינה מחזקת אלא ראשו ורובו

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this baraita, in which: His table, is taught, **is** in accordance with the opinion of **Beit Shammai**, while **that baraita**, in which: His table, is not taught, **is** in accordance with the opinion of **Beit Hillel**? Apparently, they do dispute the minimum measure of a small *sukka*.

כשרה ואילו שולחנו לא
קתני קשיין אהדדי אלא
לאו ש"מ הא ב"ש הא
ב"ה

Comment/Chiddush

The Baal HaIttur explains that there are three interpretations to the Torah command "you shall sit/dwell": 1. That room to sit is sufficient. 2. A dwelling of sorts is needed, meaning there must be room for a table too, and 3. It must be a standard minimum dwelling. Beit Hillel hold 6x6, Bet Shammai 7x7 and Rabbi Yehuda Hanasi requires 4 cubics.

Mar Zutra said: And the language of the **mishna is also precise**, and it indicates that Beit Shammai and Beit Hillel indeed dispute the minimum measure of a small *sukka* **from the fact that it teaches: Beit Shammai deem it unfit and Beit Hillel deem it fit. And if it is so** that the dispute is with regard to the conduct of one sitting at the entrance of a large *sukka*, then **Beit Shammai say: He did not fulfill** his obligation, **and Beit Hillel say: He fulfilled** his obligation, is **what** the mishna **needed** to say. However, the terms fit and unfit indicate that the dispute is with regard to the halakhic status of the *sukka* itself, not the individual's behavior.

אמר מר זוטרא
מתניתין נמי דיקא
מדקתני ב"ש פוסלין
וב"ה מכשירין ואם
איתא בש"א לא יצא
וב"ה אומרים יצא
מיבעי ליה

The Gemara asks: **But** if that is so, the formulation of the mishna: **One whose** head and most of his body were in the *sukka*, is **difficult**, as it indicates that the dispute is with regard to where in the *sukka* he was sitting. The mishna does not say: A *sukka* that holds his head and most of his body, which would indicate that the dispute is with regard to the minimum measure of the *sukka*.

ואלא
קשיא
מי
שהיה

The Gemara answers: **Actually, they disagree with regard to two issues; they disagree with regard to** the minimum measure of a small *sukka*, **and they disagree with regard to** where one may sit in a large *sukka*. And the mishna is **incomplete and this is what it is teaching: One whose head and most of his body were in the *sukka* and his table was in the house, Beit Shammai say that he did not fulfill** his obligation **and Beit Hillel say that he fulfilled** his obligation. **And with regard to a *sukka* that holds only his head and most of his body, Beit Shammai deem it unfit and Beit Hillel deem it fit.** In this way, the dispute in the mishna is understood as relating to the measure of a small *sukka* and the manner in which one fulfills his obligation in a large *sukka*.

לעולם בתרתי פליגי פליגי
בסוכה קטנה ופליגי בסוכה
גדולה וחסורי מיחסרה והכי
קתני מי שהיה ראשו ורובו
בסוכה ושולחנו בתוך הבית
ב"ש אומרים לא יצא וב"ה
אומרים יצא ושאינה מחזקת
אלא כדי ראשו ורובו בלבד
ב"ש פוסלין ובית הלל
מכשירין

Comment/Chiddush

Are the two disputes related? The Rif, Rambam and Shulchan Aruch understand that the disqualifying of a *sukka* less than 7x7 is because the table is outside the *sukka*, the same problem as with a large *sukka* with the table outside. This would imply that a *sukka* less than 7x7 is only rabbinically disqualified. However, Tosfos and others understand that these are two disputes, one is a gezeira, while a *sukka* less than 7x7 is biblically disqualified because its not fit for habitation. According to the first approach, once we find for Beit Shammai with regard to a *sukka* that is less than 7x7, we must also agree with the other decree, disqualifying one who ate with the table inside the house. However according to Tosfos the second dispute has no relation to the first, and we permit eating in a *sukka* with the table outside of it.

§ Apropos the above discussion, the Gemara asks: **Who** is the *tanna* who **taught that which the Sages taught:** The halakhic status of a **house in which there is not an area of four cubits by four cubits** is not that of a house? Therefore, *halakhot* in the Torah or the mishna that are relevant to a house do not apply to a house that size. Consequently, it is **exempt from** the mitzva of placing

מאן תנא להא
דתנו רבנן בית
שאינו בו ארבע
אמות על ארבע

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a **mezuzah** on its doorpost; **and** it is exempt **from the** obligation of establishing a **parapet** around its roof; **and it does not become ritually impure with leprosy** of the house. **And** its sale is **not rendered final** in the same manner as the sale of **houses within walled cities**. The owner of a house in a walled city who sells his house has the option to buy it back from the purchaser within one year of the sale. If he fails to do so, the sale is rendered final and the house does not return to the original owner during the Jubilee Year (see [Leviticus 25:29-31](#)).

אמות פטור מן
המזוזה ומן
המעקה ואינו
מטמא בנגעים
ואינו נחלט
בבתי ערי חומה

Comment/Chiddush

Do we refer to a house with sixteen square cubics, or specifically four by four cubics, but two by eight would be invalid. The Rambam and Shulchan Aruch consider it enough to have the area of four by four, while the Rosh necessitates an actual four by four, for that alone makes the room usable. We tend to incorporate both these opinions in practical halacha, going stringently in both directions.

And one does not return from the ranks of soldiers waging war for a house that size, as would one who built a house with an area greater than four by four cubits (see [Deuteronomy 20:5](#)). **And one need not join** the houses in the courtyards **for** a house with that area. If there is more than one house in a courtyard, it is prohibited by rabbinic law to carry in that courtyard unless the residents of each of the houses contribute food that is placed in one of the houses, thereby rendering them joint-owners of the courtyard. The resident of a house with an area of less than four by four cubits need not participate in this joining of courtyards. **And one need not merge** the courtyards that open into an alleyway **for** a courtyard in which the area of its only house is less than four by four cubits. In this case, too, the resident of that courtyard need not participate in the merging of alleyways. **And one does not place the** food collected for the aforementioned **joining [eiruv]** of courtyards **in** this house but rather in a house with an area of at least four by four cubits.

ואין
חוזרין
עליו
מעורכי
המלחמה
ואין
מערבין
בו ואין
משתתפין
בו ואין
מניחין בו
עירוב

Comment/Chiddush

Joining courtyard residents needs to be done with bread, while alley courtyards are joined with any food. This is because courtyard residents are individuals, to whom bread is their basic sustenance. Mishna Berura