

Until seven days – עד שבעה יומי

Overview

The גמרא teaches us that if someone places his beams on his neighbor's wall for a סוכה, even if the owner of the wall did not protest, it is not a חזקה, until after (the) seven days (of סוכות) have passed. The owner of the wall does not mind if his neighbor uses his wall for a סוכה¹. If, however, סוכות passes and the owner does not protest, and demand that he remove the beams, then he has established a חזקה to place his beams on his neighbor's wall. תוספות will be discussing the inference of the statement יומי עד שבעה; namely that after seven days passed it is a חזקה. Seemingly this is incorrect.

It is not precisely (only) seven days that are required before it is considered a חזקה, it is actually not a חזקה until all the days of טוב יום pass, including שמע"צ (ושמח"ת)².

for he cannot take dismantle the סוכה **on** שמיני עצרת – דבשמיני עצרת לא יוכל לסתור (or שמחת תורה); there is an איסור of dismantling on טוב יום. We cannot say that if the סוכה was not dismantled on רבה הושענא, then he has a חזקה. The owner does not mind that he keep the סוכה until after the completion of the entire טוב יום. Even if the owner would protest he would not be able to remove it.

Summary

The חזקה of a סוכה is only if the owner did not protest after the entire טוב יום passed.

Thinking it over

1. Why could not the owner demand that he dismantle the סוכה on רבה הושענא towards the end of the day (if we were to assume that there is no obligation to eat in the סוכה on שמע"צ)?

2. Why indeed did רבינא say יומין עד שבעה?

¹ A חזקה against an owner is established only if the action taken against him should cause him to protest.

² The ספיקא דיומא and תוספות may (also) be discussing those places where there is no דיומא.