

ואם חקק בו ד' על ד' –

And if one carves out in it an area of four טפחים by four טפחים

OVERVIEW

taught regarding an area which is surrounded by מחיצות less than ten טפחים high, and in a section of this area, a hole, ד' על ד', is carved deep enough that now there is ten טפחים from the bottom of the hole to the top of the מחיצות, then concerning הלכות שבת the entire enclosed area is always a רה"י, regardless of the distance between the original מחיצות and the (newer) dug out מחיצות, the חקק מקום.

Pertaining to הלכות סוכה however, in the above case it will only be a valid סוכה, providing that the wall of the חקק and the outer wall of the סוכה are less than three טפחים from each other. If the distance between them is three טפחים or more however, it is a פסולה סוכה, since we cannot combine the two מחיצות. הלכות תוספות will explain the difference between these two.

asks: תוספות

וקשה לרבינו יצחק בן אשר מאי שנא מסוכה דאינה גבוהה י' –

And the ריב"א has a difficulty with this גמרא; why is שבת different from a סוכה which is not high ten טפחים, which renders it unfit¹ to be a כשרה סוכה; concerning which -

דאמר בפרק קמא דסוכה (דף ד,א) חקק בה להשלימה לי' –

The גמרא says in the first פרק of סוכה, that if he carved out a hole in the floor of the סוכה, deep enough to complete the total height of the סוכה to be ten טפחים high, then the דין is as follows:

אם יש משפת חקק ולכותל ג' טפחים פסולה פחות מג' כשרה –

If the distance from the outer edge of the carved out area to the original wall is three טפחים or more, the סוכה is פסולה; if the abovementioned distance is less than three טפחים² the סוכה is כשרה -

והכא מהני חקיקה אפילו מופלגת מן הכותל הרבה –

¹ We derive from פסוקים that סכך must be at least ten טפחים from the ground.

² In many instances, when two objects that are within three טפחים of each other, we apply the הלכה למשה לבור, meaning that they are joined as one. Here too, since both מחיצות are within three טפחים of each other we say לבור, that they are joined together as one continuous מחיצה of ten טפחים.

However here by שבת, carving out is sufficient to render the interior of the house a **רה"י** **even** if the carved out area is **very distant from the external wall**, for the גמרא here makes no stipulation as to the distance from the החקיקה to the external wall. Why is there this difference between שבת and סוכה?!

answers: תוספות

ותירץ דשאני התם גבי סוכה דבעינן שיהיו מחיצות סמוכות לסכך –

And the ריב"א answered that there by סוכה it is different, (than here by שבת) **for we require that the walls of the הסוכה be sufficiently close to the סכך**

דילפינן התם (דף יב,ב) מחיצות מבסכת בסכת סוכה –

because, there in סוכה, we derive, the necessity and requirements of **מחיצות** from the **three** times that the תורה mentions the word **סכך** (that a סוכה requires three walls)³

כדאמרין התם (יב,ב) הרחיק הסיכוך מן הדפנות פסולה ולהכי בעינן שיהא פחות מג' -
As the משנה says there, that if he placed the סכך at a distance of three טפחים or more from the walls, the סוכה is פסולה and therefore we require that the distance from the שפת החקק to the כותל הסוכה **be less than three טפחים**.

דצריך לצרף הגידוד של חקק למחיצות כדי שיהיו סמוכות לסכך כשנגד הנקב –
since it is necessary to combine the height of the חקק with the מחיצות in order that the walls (of the סוכה) should be close to the סכך that is directly above the חקק⁴, and we cannot combine these two walls (the outer walls of the סוכה and the embankment of the חקק) if they are at a distance of three טפחים or more from each other, only if they are less than three טפחים apart⁵.

By שבת however there is no requirement that the מחיצות be near “anything”,⁶ therefore the חקק and the כותל are מצטרף for a מחיצה, even if they are apart from each other a distance of

³ Since the requirement of three walls is derived from the words "סוכות", which refer mainly to the סכך, therefore there is the requirement that the מחיצות be סמוכות לסכך.

⁴ Since that is the only כשר סכך, for it is the only סכך that is ten טפחים above the ground beneath it. The סכך outside the חקק does not have טפחים י' beneath it.

⁵ It would seem that if the distance is less than three טפחים, then by utilizing the דין of לבוד we drag – so to speak – the outer walls towards the חקק, and we have מחיצות י' that extend from the bottom of the חקק directly to the סכך, so that the מחיצות are לסכך. If however they are more than three טפחים apart and we cannot make use of לבוד, then the outer wall cannot be ‘dragged’ inwards, and the מחיצות are adjacent to סכך פסול (for it is less than ten טפחים from the ground) and they are not כשר.

⁶ See (בסופו) דלא דמי רשות שבת שהוא למנוע רגל רבים לסוכה דבעינן מחיצות: who writes: תוספות סוכה ד,ב ד"ה פחות (בסופו) סמוכין לסכך.

three טפחים or more.⁷

questions the validity of this answer:

ואף על גב דדופן עקומה מכשרת עד ד' אמות –

And even though the rule of דופן עקומה⁸ renders a סוכה to be up to a distance of four אמות; why is it then פסולה by a distance of merely three טפחים? Even though the outside wall is adjacent to פסול סכך, nevertheless let us utilize the concept of דופן עקומה, and since it is less than ד' אמות from the outside wall to כשר סכך, it should be a סוכה כשרה.

replies:

מתרץ לה הש"ס הני מילי היכא דאיכא מחיצה מעלייתא –

The גמרא in מסכת סוכה answers this question⁹ and makes the following distinction: The rule of דופן עקומה applies, only in the case where there exist already proper מחיצות

אבל היכא דלשווייה מחיצה –

However in a case where it is necessary to create a מחיצה¹⁰, then -

בפחות מג' מצטרף הגידוד עם המחיצות והוא סמוך לסכך

If the distance is less than three טפחים, then we can combine the embankment of the חקק with the external walls which renders the מחיצות to be sufficiently close to the סכך -

טפי לא מצטרף:

⁷ See Tosfos who adds: וכשחקק דאיכא אויר י' וכשחקק דאיכא ועי"ל דהכא יש מחיצות גבוהות מבחוץ וא"צ לצרף הגידוד אלא דאין אויר י' וכשחקק דאיכא אויר י' ובמקום אחד הוא רה"י אבל בסוכה צריך לצרף הגידוד וביותר מג' לא מצטרף מחיצות גמרא there are outside walls of the house), we are merely lacking י' inside the house therefore the חקיקה is sufficient to render the inside a רה"י; however by סוכה we need to combine the גידוד to achieve מחיצה and therefore there needs to be less than three טפחים distance between the גידוד and the מחיצה.

⁸ The rule of דופן עקומה which is a הלכה למשה מסיני states; that if there is a proper מחיצה, however there is סכך adjacent to the מחיצה, then the דין is as follows: if the סכך פסול is less than ד' אמות wide, which means that the distance from the כשר סכך to the מחיצה is less than ד' אמות, the סוכה is כשרה, for we say דופן עקומה, so that the wall bends and curves – so to speak – and it is extended via the סכך פסול to reach the כשר סכך, so that the מחיצה and the כשר סכך are – as if – adjacent to one another. If however the סכך פסול is ד' אמות or more, then it is a סוכה פסולה because we do not say דופן עקומה, therefore the מחיצה is not (כשר). The הלכה of דופן עקומה is only if the wall is adjacent to פסול סכך. If there is an open space between the wall and the כשר סכך then there must be less than three טפחים of airspace; otherwise it is a סוכה פסולה.

⁹ In connection as to why the גידוד must be within three טפחים of the outside wall, while by a ('regular') דופן עקומה it could be up to ד' אמות distance from the כשר סכך. The גמרא there does not assume explicitly, that it would be a שבת לענין שבת as מחיצה assumes here.

¹⁰ As in our case, where the wall for which we want to say דופן עקומה is, of its own accord, not a proper מחיצה at all, since it is מיל' טפחים. See 'Thinking it over' # 1.

More than this amount we cannot combine¹¹ the גידוד and the מחיצות to be considered as one wall of ten טפחים [and therefore we do not say דופן עקומה] and it is a סוכה פסולה.

SUMMARY

The מחיצות of a סוכה are required to be לסכך, otherwise it is a סוכה פסולה. Therefore if the distance from the חקק to the outer wall is less than three טפחים, then by utilizing לבוד, the outer wall is joined to the חקק and forms one straight מחיצה which is שע"ג החקק. If however the distance is three טפחים or more, then the outer wall remains adjacent to the סכך פסול, and it is a סוכה פסולה.

The מחיצות of שבת on the other hand, serve to separate the inner רה"י from the outside 'world'. The area of the חקק is bounded by מחיצות עשרה, through combining the heights of the two מחיצות.

We utilize the concept of דופן עקומה only when there is a valid independent מחיצה. This outside wall is not גבוה י' by itself, therefore we cannot accord it the status of a דופן עקומה.

THINKING IT OVER

1. Is the סוכה by פסול because the outside walls (which are מ' פחות) are not a מחיצה,¹² or because it is a מחיצה which is not לסכך?¹³
2. Do we say לבוד to extend the גידוד החקק to the outside walls, or do we say לבוד to join the outside wall to the חקק? Why!?
3. What would be the ruling by a סוכה if the outside מחיצות together with the סכך are ten טפחים high and he was להשלימו לי' inside, a distance of three טפחים or more from the מחיצות?¹⁴
4. Can we say that לבוד is more effective than דופן עקומה?

¹¹ The two מחיצות cannot be combined either by saying לבוד, or alternately; by saying דופן עקומה.

¹² See footnote # 10.

¹³ See מנחת איש and לשון הזהב.

¹⁴ See (footnote # 7 and) מנחת אריאל אות ד'.