

## 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 סוכה.<sup>1</sup> 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 עד שבעה יומי; namely that after seven days passed it is a חזקה. Seemingly this is incorrect.

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לאו דוקא שבעה דבשמיני עצרת לא יוכל לסתור:

**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 pass, including שמע"צ (ושמח"ת<sup>2</sup>). **For he cannot dismantle the סוכה on שמיני עצרת** (or שמחת תורה); there is an איסור of dismantling on טוב. We cannot say that if the סוכה was not dismantled on רבה, then he has a חזקה. The owner does not mind that he keep the סוכה until after the completion of the entire טוב. 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 passed.

### THINKING IT OVER

1. Why could not the owner demand that he dismantle the סוכה on רבה 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 עד שבעה יומין?

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

<sup>2</sup> The גמרא and תוספות may (also) be discussing those places where there is no ספיקא דיומא.