



דף ב.

סוכה שהיא גבוהה למעלה מכ' אמה פסולה

The Tanna Kamma of the Mishna asserts that a *succah* higher than twenty *amos* (approx. 30-40 feet) is *posul* - invalid. Rava (2a) cites the *posuk* בסוכות תשבו שבעת ימים - in *succos* you shall dwell for seven days (Vayikra 23:42) - as the source for this law, for this *posuk* implies that a *succah* must be a short-term, seven-day, temporary type of house. Rava explains that the *posuk* comes to exclude large structures which due to their great size must be made in a permanent fashion. A *succah* higher than twenty *amos* is invalid since a structure of that size must be made in a strong and lasting fashion in order for it to be able stand at all. However, a *succah* twenty *amos* or lower is valid even if it is built in a permanent fashion since it is possible to build a structure of that size [to last seven days] in a flimsy and non-permanent fashion.

Tosfos (ד"ה כי עביד) asserts that although the walls of a *succah* may be made in a sturdy and permanent fashion (provided the *succah* is not higher than twenty *amos*), the *s'chach* (*succah* covering) may not be fastened in a permanent fashion. Since the *s'chach* is the main part of the *succah*, Tosfos says the *s'chach* must be arranged in a non-permanent fashion.

Tosfos adduces proof to this law (about the *s'chach*) from the Mishna in Taanis 2a which says that rainfall on the festival of *Succos* is considered a *סימן קללה* - bad omen (because rainfall prevents dwelling in the *succah*). This Mishna implies, says Tosfos, that the *s'chach*

may not be fastened as tight as a house-roof so as to make the *succah* rainproof, for if such a *succah* covering would be acceptable then a rain storm would not interfere with the mitzvah of *succah* and rainfall on *Succos* should not be regarded as a bad omen.<sup>1</sup>

The Tur<sup>2</sup> writes that according to Tosfos a *succah* is invalid if it is covered with a very thick covering of *s'chach*, one which entirely prevents the rain from entering.

The Tur, however, infers from the Rosh's omission of this *halacha*<sup>3</sup> that the Rosh disagrees with Tosfos and validates a *succah* even if it has a thick, rainproof covering of *s'chach*.<sup>4</sup>

The Aruch LaNer explains that according to the Rosh the Mishna in Taanis considers a rain shower on *Succos* as a bad omen even though it is theoretically possible to make a rainproof *succah* because the majority of people do not have such a thick layer of *s'chach* and for them rain is indeed an impediment to the mitzvah of sitting in the *succah*.<sup>5</sup>

• The Mishna on 28b says that one is exempt from dwelling in a *succah* during a rainstorm once the downfall is heavy enough to ruin one's porridge. The S'mag<sup>6</sup> understands perhaps that heavy rainfall is a sweeping exemption which applies to everyone equally - even to one who is not eating porridge at his meal.

The Pri Tzion<sup>7</sup> suggests that by the same token, perhaps according to the Rosh the exemption from eating in a *succah* during a rainfall applies even to those whose *succos* are covered with a thick, rain-proof layer of *s'chach*

since the exemption is universal.<sup>8</sup> Accordingly, we can understand why rain is considered a סימן קללה for everyone, even for one who has rain-proof *s'chach* - because he too is exempt and he cannot fulfill the mitzvah of *succah* during a rainstorm.<sup>9 10</sup>

[Note: The Mishna below on 22a states that a *succah* with a dense, house-like covering of *s'chach* is valid - even the *s'chach* is so thick that it does not admit any star rays.<sup>11</sup> Although the words of this Mishna seems to support the position of the Rosh, Tosfos is of the opinion that this Mishna refers to a thick layer of *s'chach* which prevent light rays from entering but it does not mean to validate *s'chach* which is so thick so as to prevent even rain from penetrating.

It is also important to note that the Rosh<sup>12</sup> (quoted below on דף כ"ב), citing the Yerushalmi, writes that לכתחילה (preferably) one's *succah* covering should be made sparse enough to admit some light rays.<sup>13</sup> Thus, according to all opinions, it is preferable (לכתחילה) not to place a very thick rainproof covering of *s'chach* on one's *succah* (because such a covering will certainly block the light rays).]<sup>14</sup>

### דף ג.

#### הלכה צריכה שתהא מחזקת ראשו ורובו ושולחנו

1] The Gemara cites three views regarding the minimum required dimensions of a *succah*:

(a) Bais Hillel maintains that a *succah* is valid if it is large enough to house ראשו ורובו - one's head and most of his body. [The Rosh<sup>15</sup> indicates that the minimum measurement according to Bais Hillel is 6 *tefachim* x 6 *tefachim* (= 1 amah x 1 amah, which is approx. 18-24 inches square).]

(b) Bais Shammai says that a *succah* must be large enough to house ושולחנו ראשו ורובו - one's head, most of his body, and his table - which is 7 x 7 *tefachim* (approx. 21-28 inches square).<sup>16</sup>

(c) Rebbi says that a *succah* must measure at least 4 x 4 *amos* (approx. 6-8 feet square).

Rav Shmuel bar Yitzchak states that the *halacha* follows Bais Shammai who holds that a *succah* must measure 7 x 7 *tefachim*.

The Bach<sup>17</sup> infers from Tosfos לא נצרכה ד"ה that as long as a *succah* measures at least 49

square *tefachim*, its width may be less than 7 *tefachim*. For example, a *succah* which is ten *tefachim* long by five *tefachim* wide is valid since its total square area is more than 49 square *tefachim* (= 50 square *tefachim*).

The Magen Avraham,<sup>18</sup> disagrees and maintains that a *succah* less than 7 *tefachim* wide on each side is *posul*. He argues since the *shiur* of 7 x 7 *tefachim* is based on the *succah*'s ability to house ראשו ורובו ושולחנו, each side must measure at least 7 *tefachim* because regardless of its length, a *succah* that is less than seven *tefachim* wide cannot accommodate ראשו ורובו ושולחנו of an average person.<sup>19</sup> [Note: The Magen Avraham has a different גירסא - textual reading - of Tosfos, according to which there is no indication that a *succah* may be narrower than 7 *tefachim*, see Mesoras HaShas.]

Furthermore, rules the Magen Avraham, if the walls of one's *succah* protrude at one point to create a small peninsula-like section, one may not sit in the small protruding section if it is less than 7 x 7 *tefachim*. Even though the *succah* itself is very large, one may not cram into the small section since it is too small to accommodate ראשו ורובו ושולחנו.<sup>20</sup>

2] The braysoh (end of 3a) states that a house (or room) which is smaller than 4 x 4 *amos* does not require a *mezuzah* (because it is too small to be classified as a bayis - house).

The Rosh<sup>21</sup> maintains that each side of the room must measure at least four *amos*. A rectangular room which is 2 *amos* wide by 8 *amos* long is exempt from *mezuzah* even though it has the same total area as a room that is 4 x 4 *amos* square (i.e., 16 square *amos*).

The Shulchan Aruch,<sup>22</sup> however, rules in accordance with the Rambam<sup>23</sup> who disagrees with the Rosh and maintains that any room that measures 16 square *amos* is subject to *mezuzah* regardless of how narrow it is.

The above cited Magen Avraham maintains that the law of *succah* is different from the law of *mezuzah*. He argues that even though with respect to *mezuzah* the Shulchan Aruch considers only the total area of the room, not the dimensions of the sides, regarding *succah* we must consider the length of its sides. This is

because, as explained above, a *succah* must be able to accommodate *ראשו ורובו ושולחנו* and therefore it is imperative that each side measure at least 7 *tefachim*.

3] The Chacham Tzvi<sup>24</sup> maintains that even though a small *succah* measuring only 7 x 7 *tefachim* is valid, it is valid only for eating purposes but not for sleeping. He argues that since one cannot stretch out and sleep comfortably in such a small space he is exempt from sleeping there under the rule of *מצטער* which states that one is exempt from *שיבת סוכה* (dwelling in the *succah*) if dwelling there will cause him annoyance or distress (such as during a rainstorm, Gemara below, 26a and 28a). Thus, says the Chacham Tzvi, in practice one must build a *succah* larger than 7 x 7 *tefachim* if he wishes to properly fulfill the mitzvah of *succah* (since one has an obligation to sleep in the *succah*, as well as eat there). Or, alternatively, one can build a second, larger *succah* for sleeping in addition to the 7 x 7 *succah* that he wishes to use for eating.<sup>25</sup>

The Terumas Hadeshen<sup>26</sup> disagrees and argues that since Bais Shammai validates a *succah* of 7 x 7 *tefachim*, apparently such a *succah* is large enough for all aspects of *yeshivas succah* including sleeping.<sup>27</sup> Even though one cannot fully recline in such a small space, evidently, the fact that one can sleep in a partially sitting position is sufficient and it is not considered a situation of *מצטער*.

#### דף ד.

#### אין אדם דר בדירה סרוחה

- The Mishna (2a) says that a *succah* must be at least 10 *tefachim* high (30-40 inches). The Gemara (4b, 5a) explains that this law is based on the fact that legally speaking, ten *tefachim* off the ground is the start of a new domain. [The Gemara derives this from the fact that the *Shechina* (Divine presence) does not descend below the height of the *kappores* (the ark covering in the Bais Hamikdash) which was ten *tefachim* high.]

Rava (4a) states if one has a ten-*tefach*-high *succah* with branches or leaves (from its *s'chach*) dangling below ten *tefachim*, the

*succah* is *posul* because *אין אדם דר בדירה סרוחה* (a person cannot live comfortably in a cluttered dwelling).

The Rambam<sup>28</sup> in codifying this *halacha*, writes that one should be careful not to have leaves hanging below ten *tefachim* in his *succah* so that they should not cause him discomfort when sitting there.

The Bais Yisrael<sup>29</sup> infers from the words of the Rambam that although Rava says one may not have leaves dangling below ten *tefachim* in his *succah* [so as not to cause discomfort], such leaves do not invalidate one's *succah* *בדיעבד* - after the fact (as long as the main body of the *s'chach* is above ten *tefachim*).

The Shulchan Aruch<sup>30</sup> disagrees and rules that such a *succah* is entirely invalid, even *bedi'aved*, as the simple reading of the Gemara seems to indicate.

The Aruch LaNer explains the Rambam's source for validating such a *succah bedi'aved*: He reasons that if a *succah* with leaves dangling below ten *tefachim* is entirely invalid (based on the logic of *אין אדם דר בדירה סרוחה*), there would be no need for the Gemara on 4b to cite a scriptural source to invalidate a *succah* less than ten *tefachim* high. The fact that the Gemara deems such a source necessary demonstrates that Rava was only making a case not to have dangling leaves below ten *tefachim* *l'chatchilah*, but he did not mean to entirely invalidate such a *succah bedi'aved* (as long as the main body of *s'chach* is above ten *tefachim*).

The Sefas Emes, in defense of the Shulchan Aruch (who entirely invalidates such a *succah bedi'aved*) explains the necessity for both the scriptural source cited on 4b, and Rava's logic of *אין אדם דר בדירה סרוחה*: He suggests that Rava teaches that the *s'chach* (and any dangling leaves) may not be lower than ten *tefachim*, whereas the *posuk* cited on 4b teaches that the walls of the *succah* must be at least ten *tefachim* high (even if the *s'chach* is suspended above ten *tefachim*).

The P'nei Yehoshua on 4b, citing Tosfos *ibid.* (ד"ה עשרה), adds that the scriptural source cited on 4b is necessary because it is relevant to areas of *halacha* other than *succah*. It teaches

that ten *tefachim* is the minimum required height of a *mechitzah* (wall or partition) with respect to the creation of a *reshus hayachid* (private domain) concerning the law of hotza'ah (carrying) on Shabbos.

Alternatively, the Aruch LaNer<sup>31</sup> suggests the reason the posuk is needed in addition to Rava's logic is that we would have thought (based on Rava's logic alone) that a *succah* must be high enough to allow one to stand completely upright, without any discomfort whatsoever. From the posuk that teaches that ten *tefachim* off the ground is considered a separate domain we derive that a *succah* which is only ten *tefachim* high is valid, despite the fact that it is too low for one to stand fully upright.

#### דף ה.

#### מעולם לא ירדה שכונה למטה מי טפחים

The Gemara derives that the *Shechina* does not descend below ten *tefachim* as follows. The posuk states לה שמים - the heavens belong to Hashem - והארץ נתן לבני אדם - and the earth was given to man. This indicates that the Divine presence of Hashem does not descend to man's domain on earth. Now, the posuk (Sh'mos 25:22) states that Hashem would speak with Moshe Rabbeinu from atop the aron between the two כרובים (cherubs), and the aron (with its cover) was ten *tefachim* high. This indicates that man's domain on earth extends only to the height of ten *tefachim*. Therefore the *Shechina* was able to descend on top of the aron which was ten *tefachim* off the ground.

As mentioned above, the Gemara derives from this that the minimum height of a *succah* is ten *tefachim*. Rashi comments that we see from the fact that the *Shechina* does not descend below ten *tefachim*, that the first ten *tefachim* off the ground constitute a separate domain. Tosfos (4b, עשרה) writes that this *derasha* teaches that the minimum height of a legal division (*mechitzah*) regarding all areas of *halacha* (e.g., Shabbos) is ten *tefachim*.

The connection between man's domain on earth and the minimum height of a *succah* (or of a *mechitzah*) is a bit ambiguous.

The She'arim Metzuyanim B'halacha

suggests the following correlation:

Firstly, the Gemara below on 9a states that one may not derive personal benefit from *succah* materials because the posuk states חג לה שבעת ימים הסוכות כך חל שם שמים התגיתהכשם שחל שם שמים על - the name of Hashem is affixed to a *succah* (which means that a *succah* has a degree of sanctity). Logically, in order for Hashem's name to become attached to a *succah* the *succah* must extend into Hashem's domain, which is above ten *tefachim* from the ground.

Moreover, the Zohar (Parshas Emor) teaches that when a Jew sits in his *succah* it is as though he is enveloped in the צל דמהימנותא - shade/protection of Hashem - because Hashem spreads His wings, so to speak, over the *succah*. Accordingly, it follows that one's *succah* must be at least as tall as the aron, so that the *Shechina* can descend and hover over it in the same manner as the כרובים positioned on top the aron.

[Note: The Gemara on 5b says that this source only proves that the *succah* including the *s'chach* must measure ten *tefachim*. The Gemara cites another source to prove that the airspace of a *succah* (below the *s'chach*) must measure ten *tefachim*.]

• The Maharatz Chayis explains the concept of מעולם לא ירדה שכונה and הארץ נתן לבני אדם מי למטה מי homiletically. The Gemara in Berachos 33b states, הכל בידי שמים חוץ מיראת שמים - everything is preordained by Heaven except for the fear of Heaven. This means that Hashem does not compel a person either to sin or to be righteous, but rather man is left to the resolve of his own free will. [Cf., Niddah 16b, צדיק ורשע אין גוזרין על הולד - Heaven does not preordain whether an unborn fetus will become a tzaddik or a rasha.] This is what our Gemara alludes to when it states that the earth belongs to mankind and the *Shechina* does not descend to man's domain, meaning Hashem does not control or tamper with man's free will.

#### 2] שיעורין דאורייתא נינהו דכתיב ארץ חטה וגו'

The Gemara (5b) says that the posuk ארץ וגו' חטה (Devarim 8:8) alludes to various

*shiurim* (required measurements) for many Torah laws. For example, the word זית (olive) in this posuk alludes to the fact that the minimum required *shiur* for malkus culpability for one who eats forbidden foods is a *k'zayis* - an olive's volume.

The Chasam Sofer<sup>32</sup> notes that Eretz Yisrael was blessed with especially large fruit. Indeed, the Gemara in Taanis (23a) relates that during the pious generation of Shimon ben Shetach it would consistently rain two nights a week and the kernels of wheat grew to the size of [human] kidneys and the barley kernels grew to the size of olive pits. In fact the Gemara relates that they saved some of these unusually large fruits and stored them to show future, less righteous, generations how their sins cause a reduction in the size of their produce.

Accordingly, the Chasam Sofer asks how this posuk serves as the source for the various Torah measurements when the Torah *shiurim* are supposed to be measured according to standard, average-sized fruit and not according to the over-sized fruit of Eretz Yisrael.

In answer to this question, the Chasam Sofer theorizes that just as the fruit of the land were very large during that period of history, so too, the people of the land were correspondingly very large.<sup>33</sup> Therefore, during that generation when the people were very large, the *shiurim* were indeed considerably larger than the *shiurim* today.<sup>34</sup> For example, an individual from that generation would not be obligated to recite *bircas hamazon* unless he ate a measure of bread equal to the volume of a large olive common in then, since a person in that generation had a considerably larger appetite than a person today.<sup>35</sup>

#### דף ו.

#### שיעורין הלכתא נינהו וקרא אסמכתא בעלמא

The Gemara (6a) concludes that the various Torah *shiurim* are actually known to us through oral tradition handed down to Moshe at Sinai - and the posuk mentioned on the above daf ('ארץ חטה וגו') is not the real source, but rather is only an אסמכתא - scriptural allusion (to the law which is known via הלכה למשה מסיני).

The Rosh<sup>36</sup> writes that included in this *halacha l'Moshe m'Sinai* is the *shiur* of גדלות - halachic majority - with respect to a sinner's culpability for corporal and capital punishment. This *halacha l'Moshe m'Sinai* teaches that a boy is deemed a gadol (an adult) on his thirteenth birthday (after sprouting two pubic hairs), and a girl on her twelfth birthday.

Interestingly, the Rambam<sup>37</sup> postulates that this *halacha l'Moshe m'Sinai* was stated only with respect to Yisraelim, not non-Jews.<sup>38</sup> Hence he writes that a non-Jew is subject to [capital] punishment for eating אבר מן החי (a limb from a living animal, which is one of the seven Noahide mitzvos/issurim) even if he eats a piece smaller than a *k'zayis*.

The Chasam Sofer<sup>39</sup> comments accordingly that the age of adulthood stated with respect to Yisraelim (i.e., the age of thirteen) does not apply to non-Jews since the Rambam says that the *halacha l'Moshe m'Sinai* does not apply to them. He asserts that a non-Jewish lad who violates one of the ז' מצות בני נח is subject to execution even if he is below the age of thirteen. The Chasam Sofer explains, however, that before bais din metes out punishment to a minor non-Jew they must evaluate whether he has at least enough intelligence to understand the consequences of his actions. If he lacks even this minimal intelligence, he is exempt from a penalty because his sin is considered an אונס (coerced or an unavoidable accident) for which one bears no responsibility.

2] The Rit Algazi<sup>40</sup> infers from the words of Tosfos in Chullin (33a סודייה אחד) that Tosfos disagrees with the Rambam and is of the opinion that the minimum *shiur* of *k'zayis* applies also with respect to אבר מן החי eaten by a non-Jew. The Rit Algazi explains that according to the Rambam סתם אכילה בכל שהוא - the term אכילה refers to any small act of eating, even to one who eats a tiny amount of food. The *halacha l'Moshe m'Sinai* teaches that a Yisrael must eat at least a *k'zayis* to incur a penalty. Since this *halacha* was stated specifically with respect to Yisraelim, a non-Jew is culpable even if he eats just a tiny amount.

On the other hand, Tosfos understands that the *halacha l'Moshe m'Sinai* reveals that the halachic definition of the term אכילה is the act of eating at least a *k'zayis* of food. Therefore, when the Torah forbids אכילת אבר מן החי, the minimum *shiur* required to incur a penalty is a *k'zayis* - for Yisraelim and non-Jews alike - because the *halacha l'Moshe m'Sinai* teaches that eating less than a *k'zayis* does not constitute a legal act of אכילה.

#### דף ז.

#### מגו דהויא דופן לסוכה הויא דופן לשבת

- On Shabbos carrying is permitted only within a *reshus hayachid* (enclosed private domain).
- *Min haTorah*, any domain enclosed on three sides is classified as a *reshus hayachid*. [By rabbinic decree, one may not carry in an area enclosed only on three sides unless a type of תיקון (rectification) is arranged in the opening on the fourth side in the form of a *lechi* (side post) or *korah* (crossbeam) as explained in Eruvin 2a (see Al Hadaf ibid.).]

The Rabbanan (Tanna Kamma on 6b) maintain, based on a *derasha* and a *halacha l'Moshe m'Sinai*, that a *succah* is valid if it consists of two complete walls plus a portion of the third wall measuring at least one *tefach* long. [The required configuration of a *succah* consisting of only two complete walls with a portion of the third wall is a matter of dispute on 6b-7a.] Hence, it emerges that the requirements for the walls of a valid *succah* are less rigid than the requirements for the walls of a *reshus hayachid* on Shabbos (whereby three complete walls are required).

Rabba (7a) asserts that on the Shabbos day during the festival of *Succos* one is permitted to carry in his *succah* even if it is enclosed by only 2 1/2 walls, even though all year round one may not carry in a domain enclosed by less than three complete walls.<sup>41</sup> Rabba argues that מגו דהויא דופן לענין סוכה הויא דופן לענין שבת - since such a *tefach*-long wall is considered a valid wall for a *succah* it is also deemed a valid wall with respect to the law of carrying on Shabbos.<sup>42</sup>

The Ran questions why this argument is not be presented in an opposite manner. Why don't we say that "since" a 2 1/2 wall enclosure is not

valid with respect to enclosing a domain for Shabbos all year round, likewise it is not valid for a *succah* on Shabbos during the festival of *Succos*.

In answer the Ran explains that the basis for Rabba's unique argument is the posuk בסוכות תשבו שבעת ימים (you shall dwell in the *succah* for seven days) which implies that one may use the same *succah* for the entire week of *Succos*. Rabba infers from this posuk that one may carry in a 2 1/2-wall *succah* even on Shabbos (during *Succos*) since there is always one day of Shabbos inevitably occurring during the week of *Succos*.

The P'nei Yehoshua asks that perhaps the posuk refers to a *succah* that is standing in an enclosed yard and that is why one may carry there even on Shabbos. Where does the posuk indicate that one may carry in a 2 1/2-wall *succah* on Shabbos even if it is standing in an open area?

The Mishnas Halevi<sup>43</sup> explains why the Ran's approach is valid even though the posuk does not refer [specifically] to a *succah* standing in an enclosed yard. The Ran's point is that there must be one uniform *halacha* regarding the status of a 2 1/2 wall *succah* for the entire seven-day *succos* festival. On a day that such an enclosure is ruled a valid *succah* it must also be ruled a valid *reshus hayachid*, and conversely, if the enclosure is ruled an invalid *reshus hayachid* it must likewise be ruled an invalid *succah* (at least for the day of Shabbos, when the law of *reshus hayachid* is relevant). Thus, if it would be forbidden to carry on Shabbos in a *succah* consisting of only 2 1/2 walls (when the *succah* is not in an enclosed yard), then for the sake of consistency such a *succah* would have to be ruled invalid (on the day of Shabbos - even in the event that this type of *succah* was built in an enclosed area<sup>44</sup>). Rabba proves from the fact that the posuk validates a 2 1/2-wall *succah* for all seven days of *succos* including Shabbos, that it must be permitted to carry in such a *succah* on Shabbos during *Succos*.

#### דף ח:

#### סוכת גנב"ך ורקב"ש כשרה

The Gemara says that a *succah* made by a

non-Jew or a woman is valid, provided it was made לשם צל - for the purpose of providing shade. Rashi explains that even though [Bais Hillel, in the Mishna on 9a, asserts that] a *succah* need not be constructed מצוה לשם - for the sake of the mitzvah of *succah*, it must at least be constructed to serve as a "*succah*" which is a term that is literally defined as a covering that protects from the elements. If a hut was built merely for the purpose of צניעות - privacy - it is not classified as a *succah* and it is not valid. [Note: For the purposes of this and the next daf's discussion, the term "building a *succah*" refers to placing the *s'chach* (i.e., the roof - which is the main component of a *succah*), not to the building of its walls.]<sup>45</sup>

The Shulchan Aruch HaGraz<sup>46</sup> explains that since the mitzvah of *succah* was given to commemorate the ענני כבוד - the clouds of glory - that accompanied b'nai Yisrael upon their exodus from Mitzraim, a *succah* must be made for the sake of serving the same purpose as the ענני כבוד. Since the ענני כבוד provided b'nai Yisrael with protection from the desert sun, a *succah* must be constructed for the purpose of providing shade.<sup>47</sup>

Rabbeinu Tam (Gittin 45b, תוד"ה כל שישנו) asserts that only those who are obligated in a mitzvah should be involved in its preparation. He maintains that since women are exempt from the mitzvah of *tzitzis* and *lulav*, a woman should not bind a man's *lulav* or tie the *tzitzis* to his *talit*.

The Rosh<sup>48</sup> disagrees and adduces proof from our Gemara that women may partake in the preparation of a mitzvah even if they are exempt from the mitzvah, because the Gemara says that a *succah* built by a woman or by a non-Jew is valid (even though they are exempt from the mitzvah of *succah*).

The Bais Yosef,<sup>49</sup> in defense of Rabbeinu Tam explains that although our Gemara validates a *succah* built by women, it is only valid בדיעבד (after the fact). However, *l'chatchilah* (ideally) a *succah* should not be built by women or by non-Jews.

2] The authorities<sup>50</sup> consider whether a *succah* made by a קטן - minor - is *posul*. Although a

*succah* made by a non-Jew is valid, a *succah* made by a minor is perhaps *posul* because a minor lacks the mental capacity to have the proper minimum intention (i.e., לשם צל) when building the *succah*.<sup>51</sup>

The Avnei Nezer<sup>52</sup> maintains that a *succah* built by a minor at the behest of the *succah*'s owner is valid. He argues that as long as the owner has the proper intent (i.e., to have a *succah* built for the festival, or at least for shade), the *succah* is valid and the intent of the builder, or the lack thereof, is not significant.

#### דף ט.

#### סוכה ישנה בית הלל מכשירין

Bais Shammai is of the opinion that a *succah* is *posul* unless it was built לשם חג - for the sake of the festival of *Succos* (i.e., for the mitzvah of *succah*). A *succah* built within thirty days of *Succos* is presumed to have been built for the sake of the mitzvah and is valid even if the builder did not expressly have this intent. An "old *succah*" (i.e., a *succah* built more than thirty days before *Succos*) is not valid according to Bais Shammai unless it was built with the express intent to use it for the mitzvah of *succah*.

The *halacha* follows Bais Hillel who does not require a *succah* to be built לשם חג. As we learned above, even a *succah* built by a non-Jew for his own use may be used on *Succos* (provided it was built לשם צל - to provide shade).

Tosfos cites a Yerushalmi which states that although an old *succah* is valid according to Bais Hillel and it need not be demolished and rebuilt before *Succos*, one must at least revitalize some of the *s'chach* for the sake of the mitzvah. This is accomplished by removing and replacing a small area of *s'chach* לשם חג (i.e., 1 square *tefach* or a small strip of *s'chach* across the entire width of the *succah*). [According to most authorities this is merely a rabbinic requirement and failure to do so does not invalidate one's *succah bedi'eved*.<sup>53</sup>]

The Magen Avraham<sup>54</sup> comments that although we learned above that a *succah* made by a non-Jew is valid, one is required to shuffle some of the *s'chach* before Yom Tov, just as the

Yerushalmi requires in the case of an old *succah* built by a Jew.

The Chazon Ish<sup>55</sup> writes that this would not be required if the non-Jew built the *succah* within thirty days of *Succos* because Tosfos says that the Yerushalmi's requirement does not apply to a *succah* built during the festival season.

The Taz,<sup>56</sup> however, maintains that a *succah* built by a non-Jew always requires *חידוש*, because even if the non-Jew builds the *succah* during the *Succos* season he does not build it with the required intent *לשם חג*.

The Binyan Shlomo<sup>57</sup> asserts that every individual should be involved with the construction of his *succah* because building a *succah* is a mitzvah act<sup>58</sup> and there is a general rule regarding mitzvos, *מצוה בו יותר מבשלוחו*, - it is a mitzvah for one to personally perform a mitzvah, rather than have someone else perform it on his behalf (Kiddushin 41a).<sup>59</sup> He suggests that the Yerushalmi requires one to redo the *s'chach* on an old *succah* so that he should personally be involved with the construction of his own *succah*.

Accordingly, he writes that even if one had his *succah* built by a Jewish person there is still a mitzvah for the owner to shuffle the *s'chach* - in order that the owner participate in the building of his own *succah*.

#### דף י.

**אם אין התחנתונה יכולה לקבל כרים  
וכסתות של עליונה, התחנתונה כשרה**

The Gemara on 9b infers from a posuk that *סוכה תחת הסוכה* - a *succah* which is situated underneath another *succah* - is *posul* (as stated in the Mishna *ibid.*). The Gemara explains that this *p'sul* (disqualification) applies only if the upper *succah* is a valid *succah*. However, if the upper *succah* lacks the qualifications of a valid *succah* (i.e., its dimensions are too small, or it lacks sufficient *s'chach*), then the lower *succah* is not considered a *סוכה תחת הסוכה* - a *succah* beneath a *succah* - and it is valid.

The Gemara on 10a, citing scholars of Eretz Yisrael, adds that the disqualification of *סוכה תחת הסוכה* applies only if the upper *succah* can actually be occupied and used. However, if the

floor of the upper *succah* (which serves as the *s'chach* of the lower *succah*) is too weak to support *כרים וכסתות של עליונה* - the pillows and bedding of the occupant of the upper *succah* - then the upper *succah* is not considered a "*succah*" and the lower *succah* is valid (because it is not classified as a *הסוכה תחת*).

The Gemara below on 26a states, based on a posuk, "*תשבו כעין תדורו*" - one should live in his *succah* in the manner in which he normally resides in his house. The Mordechai<sup>60</sup> takes this to mean that one's *succah* must be fit for all his residential needs which includes eating as well as sleeping. Hence, he asserts that an unguarded *succah* standing in an unsafe neighborhood where it is dangerous to sleep outdoors is not valid even for the mitzvah of eating in the *succah*, because such a *succah* lacks the qualification of *תשבו כעין תדורו*.<sup>61</sup>

The Chacham Tzvi<sup>62</sup> disagrees with the Mordechai and maintains that a *succah* which is fit only for eating is a valid *succah* (for the mitzvah of eating). [As mentioned above on דף ג', the Chacham Tzvi is of the opinion that a small *succah* which measures only 7 x 7 *tefachim* cannot be used for sleeping and, nevertheless, is a valid *succah* for eating.]

The Avnei Nezer<sup>63</sup> adduces proof from our Gemara to the position of the Mordechai. The Gemara says that the upper *succah* is not considered a valid *succah* unless its floor is strong enough to support bedding making it possible for the upper occupant to sleep there (see Rashi).<sup>64</sup> The implication is that if the upper *succah* is unfit for sleeping, it is classified as an invalid *succah* - even if it is fit for eating.

#### דף יא:

**כי בסוכות הושבתי את בני ישראל**

**ר' אליעזר אומר סוכות ממש ור"ע אומר ענני כבוד היו**  
1] The posuk (Vayikra 23:43) states that during the festival of *Succos* one must dwell in a *succah* וגו' למען ידעו דורותיכם כי בסוכות הושבתי וגו' למען - so that your generation should know that I stationed b'nai Yisrael in *succos* when I took them out of Mitzraim.

The Bach<sup>65</sup> comments that this term ("*למען*...*ידעו דורותיכם כי בסוכות וגו'*") teaches that in order to properly fulfill the mitzvah of *succah* one must reflect upon the purpose and reason



for the mitzvah. In contrast to other mitzvos where knowing and thinking about the reasoning behind the mitzvah is not essential, when one dwells in his *succah* he must consider the fact that he is doing so in commemoration of the *succos* in which his forbearers dwelled in the midbar (as the posuk stresses).

The Bikurei Yaakov<sup>66</sup> adds that thinking about the purpose of the mitzvah of *succos* is not merely a supplementary part of the mitzvah, but rather it is essential to its fulfillment. He maintains that one who fails to contemplate the reasoning behind the Torah's command to dwell in the *succah*, forfeits the entire mitzvah.<sup>67</sup>

In light of the above, the following dispute as to the meaning of the term *כי בסוכות הושבתי* - because I stationed you in "*succos*" - has practical halachic ramifications.

R' Eliezer (end of 11b) asserts that the term "*succos*" in the posuk refers to the *ענני כבוד* - clouds of glory. Accordingly, the reason we are commanded to dwell in a *succah* is to remember the clouds of glory that surrounded and protected b'nai Yisrael in the midbar.

R' Akiva maintains that the posuk refers to actual *succos* (booths) that b'nai Yisrael built wherever they camped in the midbar to protect themselves from the desert sun.<sup>68</sup> [The Rashbam<sup>69</sup> explains that the point in recalling the plain booths used by b'nai Yisrael in the midbar is to remember the humble beginnings of our nation - as we wandered in the desert without a land of our own and with little worldly possessions. During the harvest season when one gathers much of his wealth into his home, one is apt to feel a sense of arrogance thinking that he deserves credit for his success and good fortune. To mitigate such vain thoughts (in keeping with the posuk's admonition - *ואמרת בלבבך כוחי ועוצם ידי... וזכרת* - *ואת ה' וגו*, Devarim 8:17), one is commanded to leave the comforts of his home and dwell in a *succah* for seven days so that he should remember his humble roots, and that it is Hashem Who deserves the credit for his accomplishments.]

The Tur<sup>70</sup> rules in accordance with R' Eliezer, that the purpose of dwelling in the *succah* is to remind us of the *ענני כבוד* that

Hashem provided upon our exodus from Mitzraim.<sup>71</sup>

2] The Tur<sup>72</sup> asks why the Torah commanded us to dwell in the *succah* (in remembrance of yetzias Mitzraim and the *ענני כבוד*) in the fall season, when in fact b'nai Yisrael left Mitzraim during the spring, on the fifteenth of Nissan (Pesach).

The Tur answers that it is common for people to leave their homes in the spring and enjoy the outdoors, and consequently it would not be apparent that we are dwelling in the *succah* for the sake of the mitzvah. The Torah commanded us to sit in a *succah* in the fall when people generally move indoors, making it readily evident that we are sitting in the *succah* in fulfillment of Hashem's command.

Alternatively, the Vilna Gaon<sup>73</sup> explains that when b'nai Yisrael worshiped the golden calf, the *ענני כבוד* departed because they no longer merited its protection.<sup>74</sup> Moshe re-ascended Mount Sinai on Rosh Chodesh Elul to beseech Hashem to forgive b'nai Yisrael. He remained there for forty days until Yom Kippur, when Hashem granted forgiveness. The next morning, on the 11th of Tishrei, Moshe assembled the nation and told them about the mitzvah to construct the mishkan. For the next two days the nation accumulated all the necessary materials and donated them to Moshe Rabbeinu (as implied by the posuk, *והם הביאו ואליו עוד נדבה בבקר בבקר*, Sh'mos 36:3). On the fourteenth of Tishrei, Moshe weighed the donated materials and delivered them to the artisans and craftsmen, and the building of the Mishkan commenced on the following day - the 15th of Tishrei, at which time they merited the return of the *ענני הכבוד*. Consequently, the Torah commands us to dwell in the *succah* on the 15th of Tishrei for that is when the *ענני הכבוד* were permanently reinstated (for the rest of their forty-year sojourn in the desert).

#### דף יב.

#### בפסולת גורן ויקב הכתוב מדבר

The Mishna on 11a teaches that the *s'chach* used to cover one's *succah* must meet the following conditions:

(a) אינו מקבל טומאה - it may not be susceptible to *tumah*. This means one must use unfinished material as his *s'chach* and not finished vessels, garments or food.

(b) גידולו מן הארץ - it must be material which grows from the ground

(c) It must be detached from the ground. Tree branches may be used as *s'chach* only if they are severed from the ground.<sup>75</sup>

Ravin says in the name of R' Yochanan that the source for these requirements is the posuk באספך מגרנד ומיקבך [you should make the festival of *succos*] with what you gather from your threshing area and wine press. This posuk teaches that the *succah* must be covered with something similar to פסולת גורן ויקב - grain and wine scraps (e.g., straw, husks and peels) - which are items that grow from the ground and are not susceptible to *tumah*. Rashi (11a) adds that this posuk also teaches that *s'chach* must be detached from the ground just as פסולת גורן ויקב are detached from the ground.<sup>76</sup>

The Eglei Tal<sup>77</sup> considers whether branches of a tree or plant planted in an עציץ שאינו נקרב - non-perforated flowerpot - meet the condition of גידולו מן הארץ, since such branches did not draw nourishment directly from the earth, but rather from the flowerpot.<sup>78</sup>

In resolution of this question, he cites the Gemara in Pesachim 35b which indicates that matzah made with wheat grown in a flowerpot is valid for the mitzvah of matzah at the seder. This indicates that the proper bracha to be recited on matzah or bread baked from such wheat is המוציא לחם מן הארץ - [blessed is Hashem] who brought forth the bread from the ground. [If the proper blessing for such bread or matzah is not המוציא לחם it would not be valid for the mitzvah of matzah because as a rule only matzah upon which one recites the hamotzei blessing is valid for the mitzvah of matzah.<sup>79</sup>] The fact that the blessing המוציא לחם מן הארץ - [blessed is Hashem] who brought forth the bread from the ground is recited over such matzah proves that produce grown in a flowerpot is halachically considered as produce which grows from the earth.<sup>80</sup>

The Yerushalmi addresses another issue regarding potted plants. The Yerushalmi<sup>81</sup>

deliberates whether they may be used as *s'chach* while still attached to their source in the flowerpot, or must they be severed?

Rabbeinu MaNoach<sup>82</sup> rules leniently and permits using branches which are sprouting from a flowerpot as *succah s'chach* because he rules that such branches are not considered מחובר לקרקע - attached to the ground.

#### דף יג.

#### בהיגי לא מסכבין דנתרי טרפייהו

Abaya says that one may not use *s'chach* which has a bad odor because of a concern that one may not be able to tolerate the smell and will vacate his *succah*. Similarly, he says that one may not use branches of a thornbush as *s'chach* because their leaves shed easily and the falling leaves might disturb one and cause him to leave his *succah*.<sup>83</sup>

The Rosh rules that the sages, due to the above concern, forbid using such *s'chach l'chatchilah*, but if one already ate a *k'zayis* of bread (on the first night of *succos* when there is an obligation to eat at least a *k'zayis* in the *succah*), he need not eat another *k'zayis* in a different *succah*.

The Rambam<sup>84</sup> adds that if someone has already built his *succah* with such *s'chach*, we allow him to use that *succah* (even *l'chatchilah*). We do not require him to replace the *s'chach* once the *succah* is already built.<sup>85</sup>

The Gemara below on 26a relates that Rava exempted Rav Acha bar Adda from sleeping in a *succah* which had a bad smell because it caused him discomfort (מצטער) and one who is מצטער is exempt from dwelling in the *succah*. This exemption is based on the teaching תשבו כעין תדורו - dwell in the *succah* as you would dwell in your house (see Tosfos *ibid.*, ד"ה הולכי).

The Mishna Berurah<sup>86</sup> comments that apparently, Abaya in our Gemara is referring to a *succah* which has only a slight odor, one which is not offensive enough to cause a state of "מצטער". Therefore, the *succah* is ruled invalid [only] *miderabbanan* and the *succah* is valid *bedi'aved*. However, a *succah* that has a very offensive odor which causes great discomfort is *posul min haTorah* because it lacks the Torah

requirement of תשבו כעין תדורו. If someone ignores this law and eats in such a *succah*, he does not fulfill the mitzvah even *bedi'eved* (just as one who eats in his *succah* during a rainstorm).<sup>87</sup>

2] The Gemara on 13b indicates that partially dried out *s'chach* which is destined to completely dry out and wither during the course of the festival is viewed as though it has already dried out and is *posul*.<sup>88</sup>

The Levush maintains that this is a rabbinic disqualification. *Min haTorah* such *s'chach* is valid until the point that it actually withers.<sup>89</sup>

The Pri Megadim<sup>90</sup> disagrees, for R' Yehuda on 23a derives from the posuk חג הסוכות תעשה ראוי לשבעה שבעת ימים לך that a *succah* must be suitable for the entire festival of *succos*. He argues that a *succah* covered with *s'chach* which is destined to wither before the conclusion of *Succos* is *posul min haTorah* because it is not ראוי לשבעה - fit for the entire seven days of *Succos*.

3] The Bach<sup>91</sup> points out that Abaya says that *l'chatchilah* a *succah* should not be made with thornbush branches because of a rabbinic concern that the falling leaves will cause him to leave his *succah*. He asks why isn't such a *succah posul bedi'eved* due to the fact that its leaves are destined to fall off during the festival (as the Gemara indicates on 13b). The Bach answers that the Gemara on 13b is referring to *s'chach* that is destined to wither entirely during the festival, whereas Abaya is referring to *s'chach* that fragments or withers slightly, but is not expected to entirely disintegrate within seven days.

The Pri Megadim<sup>92</sup> explains that even if more than fifty-percent of the *s'chach* is destined to dry out or splinter, thus leaving the *succah* with more gaps than *s'chach* (חמתה - מרובה מצילתה - more sunlight than shade), the *succah* is not *posul* until this actually occurs. He explains that the requirement of סוכה הראוי לשבעה excludes types of vegetation which cannot endure for the entire festival (even when a large amount is used to cover the *succah*). However, thornbush branches meet the

requirement of סוכה הראוי לשבעה even though a portion is destined to dry out because it is theoretically possible to place a large amount of such branches and ensure that the *succah* will remain sufficiently covered for the entire *Succos*.<sup>93</sup>

#### דף יד.

#### אין מסכנין בנסרים משום גזירת תקרה

R' Meir says that one may not cover his *succah* with נסרים - boards. Rav explains that R' Meir forbids using boards which are four *tefachim* wide (or more) because of a rabbinic decree called גזירת תקרה. The sages were concerned that people who see a *succah* covered with such *s'chach* might think that one's house is also a valid *succah*, because it was common to use such boards for the roofs of houses. [According to Shmuel's interpretation of the Mishna all agree, even R' Yehuda, that four-*tefach*-boards are *posul*.]

The Hagaos Maimonios<sup>94</sup> writes that today this ban (גזירת תקרה) applies to all boards and slats, even narrow ones, because it is common to build house roofs with boards much narrower than four *tefachim*.

The Ran, citing a Gemara in Bava Metzia 117a, maintains that even in Talmudic times many roofs were made with narrow boards. Nevertheless, since due to the temporary nature of a *succah* it was common to use narrow, rather than wide, boards for *s'chach*, the sages were concerned with an onlooker confusing a *succah* with a house only if it is covered with wide boards (which is unusual for a *succah*). According to the Ran even if it is common practice today to use narrow boards for house roofs it is still permitted to use such slats for *s'chach* (for he says this was common in Talmudic times as well).<sup>95</sup>

The Smak<sup>96</sup> disapproves of using slats and narrow boards for *s'chach* because of another reason. He is concerned that one might lay the boards very tightly together and prevent the rain from entering the *succah*, and as mentioned above on דף ב', Tosfos says that a rainproof *succah* is *posul*.

The Taz<sup>97</sup> expresses a similar concern with regard to straw. He writes that even though the posuk expressly sanctions the use of straw as

*s'chach* (פסולת גורן ויקב) - grain scraps, see above (דף יב), people usually use willow branches and the like, rather than straw, because if straw is packed tightly rain is prevented from entering the *succah*.<sup>98</sup>

• In some areas it is common practice to use narrow slats for *s'chach* and many authorities condone this practice because it is no longer common to use such slats for roofs. Also, the type of slats used for *s'chach* generally does not entirely prevent the rain from entering (unless they are squeezed together in a particularly tight manner).<sup>99</sup>

#### דף טו.

#### המקרה סוכתו בשפודין או בארוכות המטה אם יש ריוח בנייה כמותן כשרה

• We learned above that only items which are not מקבל טומאה (not susceptible to *tumah*) and גידולו מן הארץ - grow from the ground - may be used as *s'chach*. Metal spits lack these conditions and are therefore unfit for *s'chach*.

The Mishna indicates that if one covers his *succah* with a mixture of valid *s'chach* and metal spits, the *succah* is valid as long as the metal spits comprise only fifty-percent or less of the *succah* covering. [The Gemara adduces proof from this *halacha* to Rav Papa's position that פרוץ כעומד הוי מחיצה - a fence with gaps that are equal in size to the solid part of the fence is a valid *mechitzah* - partition. This means that an area enclosed by such a fence is halachically classified as a *reshus hayachid* - enclosed, private domain.]

The Mishna on 2b states that a *succah* whose sunlight מצלתה פסולה - whose sunlight exceeds its shade is *posul*. Rashi on 22b (ד"ה) (כאן מלמעלה) says that the *s'chach* must cover more than fifty-percent of the *succah*. If exactly fifty-percent of the *succah* is covered by *s'chach*, Rashi says the *succah* is *posul* (because sunlight by nature spreads out and thus the floor of such a *succah* will have more sunshine than shade.).

Rabbeinu Tam<sup>100</sup> disagrees with Rashi and cites our Mishna as proof that a *succah* which is fifty-percent covered with *s'chach* is valid, for our Mishna indicates that a *succah* which is fifty-percent covered by metal spits and fifty-percent by valid *s'chach* is valid.<sup>101</sup>

The Maharsha,<sup>102</sup> in defense of Rashi, differentiates between the sequence of the *s'chach* placement. If half of a *succah* is covered with valid *s'chach* and the other half is left open, or is subsequently covered with invalid *s'chach*, the *succah* is *posul*, because at the time the valid *s'chach* was placed on the *succah* it served to block out less than fifty-percent of the sunlight in the *succah* (because, as explained above, the sunlight spreads out after entering the *succah*). Our Mishna addresses a case in which fifty-percent of the *succah* was first covered with spits, and afterwards the gaps were filled with valid *s'chach*. At the time that the *succah* was covered with spits, the sunshine inside the *succah* (or on the *succah* floor) exceeded the shade. In such a case, one can validate the *succah* by filling in the gaps with valid *s'chach* since the valid *s'chach* now serves to block out more than fifty-percent of the sunlight (inside the *succah*).<sup>103</sup>

#### דף טז.

#### החוטט בגדיש אם יש בו חלל טפח ה"ז סוכה

The Mishna on 15a says that a hollowed-out haystack is not a valid *succah* even though there are four walls and a covering of straw (which is valid for *s'chach*). The Gemara (end of 12a) explains that the straw roof on this hollowed-out haystack is not valid *s'chach* because there is a Torah requirement ולא מן העשוי, תעשה, - *s'chach* must be deliberately placed on a *succah* (for the sake of the mitzvah, or to provide shade); *s'chach* that was indirectly formed through hollowing out the haystack is not valid.

The Gemara (16a) qualifies the Mishna's *halacha*, stating that if the haystack was not placed over a flat piece of earth but rather over a one-*tefach*-high hole (which was 7 x 7 *tefachim* wide), the haystack could be converted into a valid *succah* (by hollowing out nine *tefachim* of the haystack to form ten-*tefach*-high walls). Since regarding other laws, such as *tumah*, we find that an ohel (roof/shelter) over a one-*tefach*-high space is called an ohel, the haystack which was placed over a one-*tefach* high hole is classified as valid *s'chach* - as long as an additional nine *tefachim* are hollowed out

of the haystack to complete the required ten-*tefach*-high *succah* walls.

The Taz<sup>104</sup> notes that it is common practice to pack haystacks moisture-tight (because dampness could cause the straw to rot<sup>105</sup>). In view of the fact that Tosfos (cited above on דף ב') invalidates a rainproof *succah*, the Taz questions the validity of a *succah* made from a moisture-tight haystack.

In answer, the Taz explains that the reason a rainproof *succah* is *posul* is due to a rabbinic concern that one might confuse such a *succah* with an ordinary house.<sup>106</sup> This concern does not apply to a haystack, says the Taz, because a haystack, even if rainproof, clearly does not resemble a house.

The Eliyahu Rabba disagrees and maintains that a tightly packed haystack is not valid *s'chach* until it is loosened so as to allow rain to penetrate it.<sup>107</sup>

#### דף יז.

#### סכך פסול פוסל בארבעה

1] The *halacha* follows the opinion that סכך invalid *s'chach* disqualifies the entire *succah* if the invalid *s'chach* is four *tefachim* wide.<sup>108</sup> However, a thin strip of *s'chach posul* (e.g., a metal spit narrower than four *tefachim*) does not invalidate one's *succah* (and one is even permitted to eat or sleep under the spit).<sup>109</sup>

Tosfos explains that a wide strip of *s'chach posul* invalidates a *succah* because it serves to divide the *succah* into two parts. This division occurs when the *s'chach posul* runs across the entire width of the *succah*. If each part individually lacks the dimensions of a valid *succah* (i.e., the individual parts are smaller than the required 7 x 7 *tefachim*, or they are not each enclosed by three valid *succah* walls), then the *succah* is invalid.

According to this explanation there are two cases in which a wide strip of invalid *s'chach* does not invalidate a *succah*: (a) If each individual portion of the divided *succah* meets the requirements of a valid *succah*, then each individual part is ruled as a valid *succah*. (b) If the strip of invalid *s'chach* does not run across the entire *succah* it doesn't divide the *succah*

into two. Consequently, even if one part lacks the dimensions of a valid *succah*, it still may be used as a *succah* because it is viewed as an annex of the other, larger, part of the *succah*. [It is important to note that in both of these cases, although both segments of the *succah* are valid, the area directly under the invalid *s'chach* is not valid and one may not eat or sleep there.]

2] As mentioned above on דף ב', Tosfos is of the opinion that dense *s'chach* which does not admit rain is *posul*. We also mentioned the Rosh who cites the Yerushalmi that it is preferable (though not essential) to lay one's *s'chach* sparsely enough to admit some light rays.

The Pri Megadim<sup>110</sup> suggests a distinction between these two requirements: Concerning the latter *halacha* (regarding light rays) he suggests that as long as light can filter through one spot in the *succah*, it is sufficient (see also below דף כב). However, with regard to the former *halacha* (concerning rain) the Pri Megadim maintains that a four-*tefach*-wide strip of rainproof *s'chach* could invalidate the *succah* (according to Tosfos). Those four *tefachim* of rain-proof *s'chach* is categorized as *s'chach posul* and thus one would be forbidden from eating or sleeping beneath it.<sup>111</sup> And in the event that thick area of *s'chach* runs across the width of the *succah*, it would invalidate the entire *succah* (see above).

The Pischa Zuta<sup>112</sup> disagrees and maintains that as long as there is one area in the *s'chach* (7 x 7 *tefachim*) through which rain can penetrate, the *succah* is valid, because a leaky *succah* is not considered a permanent-type dwelling (and does not resemble a house), even if there are some areas of the *succah* which are covered with rain-proof *s'chach*.<sup>113</sup>

#### דף יח.

#### אור שלשה שמיעטה בשפודין הוי מיעוט

We learned above that a four-*tefach*-wide strip of *s'chach posul* spanning the entire width of a *succah* serves to divide the *succah* into two parts and disqualifies the *succah* (unless each part meets the requirements for an independently valid *succah* - as explained

above). On the other hand, invalid *s'chach* less than four *tefachim* wide does not invalidate a *succah* and one may even eat and sleep under that *s'chach*.

The *halacha* regarding אויר - a gap of open space - is more stringent than invalid *s'chach*. A gap of only three *tefachim* is sufficient to invalidate a *succah* (provided the gap spans the entire width of the *succah*).

Abaya says that if there is a three-*tefach* gap in one's *s'chach*, he can rectify the problem by placing a metal spit in the gap.<sup>114</sup> Even though a metal spit is not valid for *s'chach*, it serves to narrow the open gap to less than three *tefachim*, thereby validating the *succah*. Tosfos (ד"ה איילו) explains that אויר does not combine with invalid *s'chach* to invalidate a *succah* because they each have different *shiurim* (measurements). As explained above, the *shiur* of empty space necessary to invalidate a *succah* is three *tefachim*, whereas the *shiur* for *s'chach posul* is four *tefachim*.<sup>115</sup> Hence, if, for example, there is a six-*tefach* gap spanning the width of one's *succah* one should insert 3 1/2 *tefachim* of *s'chach posul* in the gap. The *succah* will then be valid its gap is narrower than three *tefachim* and the *s'chach posul* is narrower than four *tefachim*.

In such a case one may not sleep or eat under the gap of open space because the Gemara (end of 19a) indicates that even though a gap narrower than three *tefachim* does not invalidate a *succah*, one may not eat or sleep under it (see next daf). The Mishna Berurah<sup>116</sup> comments that sleeping or eating under the metal spit which was placed there to narrow the gap is permitted because as learned above, one may sleep under *s'chach posul* which is narrower than four *tefachim*.

The Chazon Ish<sup>117</sup> disagrees and maintains that if the metal spit combined with the open gap covers an area of four *tefachim* or more, one may not sleep or eat under any part of that space, even under the metal spit. He maintains that *s'chach posul* and open space combine to form one large significant area deficient of valid *s'chach*, under which one may not dwell (even though these two factors do not combine with respect to invalidating the entire *succah*).

דף יט.

א"ל ר' אבא זה מצטרף ואין ישנים תחתיו

The Gemara says that even though a gap of open space in the *s'chach* narrower than three *tefachim* does not invalidate a *succah* (and even counts toward the minimum required *shiur* of 7 x 7 *tefachim*), one may not sleep or eat under the gap.<sup>118</sup> [This is in contrast to *s'chach posul* (less than 4 *tefachim* wide) under which one is permitted to dwell.<sup>119</sup>]

Tosfos (ד"ה לא יהא) asks how is it possible to refrain from sleeping under any gaps. After all every *succah*, even if densely covered with *s'chach*, has countless tiny holes in the *s'chach*.

The Rosh<sup>120</sup> explains that the Gemara only forbids sleeping under a gap that spans the entire width of the *succah*.<sup>121</sup> Smaller gaps, however, which do not span the entire *succah* are no cause for concern. [On the contrary, we learned above that it is preferable to leave some gaps in the *s'chach* to allow starlight and rain to enter.]

• The Chazon Ish<sup>122</sup> deliberates whether a gap that spans most of the *succah's* width is perhaps considered as though it spans the entire *succah* and invalidates the *succah* - based on the general principle of רובו ככולו (the majority or the greater part is considered as the whole).<sup>123</sup>

Alternatively, the Ran<sup>124</sup> says that the Gemara is referring to a hole the size of one's head. When the Gemara says that one should not sleep under a gap, it means that one may not place his entire head (or most of his body) under a large hole. However, gaps smaller than one's head are of no concern.<sup>125</sup>

דף כ:

טבי עבדו של ר"ג היה ישן תחת המטה בסוכה

The Tanna Kamma of the Mishna says that one who sleeps under a bed in a *succah* does not fulfill the mitzvah of *yeshivas succah* (because he is not dwelling under valid *s'chach*). To substantiate this *halacha* the Mishna cites an incident whereby Rabban Gamliel's עבד כנעני (non-Jew purchased by a Jew as a slave), named Tevi, slept under a bed in the *succah*, prompting Rabban Gamliel to praise his slave's Torah scholarship. Tevi's choice of a sleeping spot indicated that he was aware of the fact that

עבדים are exempt from the mitzvah of *succah*.

When a Canaanite slave is purchased by a Jew he undergoes a conversion process which confers him with the status of a partial Yisrael. Canaanite slaves are scripturally compared to women and are therefore obligated to perform the same mitzvos as agree women. Rashi explains that women are exempt from *yeshivas succah* because it is a מצות עשה שהזמן גרמא (time-related mitzvah),<sup>126</sup> and therefore עבדים too are exempt.

The Yerushalmi notes that even though women and slaves are exempt from *yeshivas succah*, they are still permitted to perform the mitzvah. [Indeed, the Ran says that a woman or a slave who dwells in a *succah* should recite a bracha (on the mitzvah of *succah*) because they fulfill a mitzvah even though they are exempt.<sup>127</sup>] Consequently, the Yerushalmi asks why Tevi slept under a bed instead of sleeping under the *s'chach* where he could have fulfilled a mitzvah (albeit he wasn't obligated to do so). The Yerushalmi answers that there was a lack of space in that because there were many rabbis visiting there at the time. Tevi took his place under the bed to make room for those who were obligated in the mitzvah. The reason he did not leave the *succah* entirely is that he wanted to listen in on the rabbis' Torah discussion.

The Gemara (Shabbos 23a and Megillah 4a) states that woman are obligated to kindle chanukah lights and hear the megillah even though these mitzvos are מצוות עשה שהזמן גרמא because "אף הן היו באותו הנס" - women, too, were included in the miracle of chanukah and purim and were spared from danger. Tosfos (Pesachim 108b) asks why women are exempt from *yeshivas succah*. Since they too were included in the miracle of yetzias Mitzraim and were protected by the ענני כבוד (clouds of glory), they too should be obligated to commemorate the miracle by dwelling in the *succah*.<sup>128</sup>

Above on יא דף we cited the Vilna Gaon who explains that we are commanded to dwell in a *succah* to commemorate the return of the ענני כבוד after b'nai Yisrael were forgiven for the sin of the golden calf (which occurred on the fifteenth of Tishrei).

The Chasam Sofer<sup>129</sup> remarks that according

to the Vilna Gaon, Tosfos question is answered. Chazal tell us that the men of that generation offered golden ornaments to help make of the golden calf but the women righteously refused to partake in the sin (see Midrash Tanchuma to Ki Sisah 19, Targum Yonason to Sh'mos 32:3 and Rabbeinu Bachya to Sh'mos 35:21). Since the women did not partake in the sin of the golden calf, the Chasam Sofer suggests that they were never expelled from the ענני כבוד. Therefore, the principle of אף הן היו באותו הנס is not applicable to the mitzvah of *succah*, because the women did not experience the reappearance of the ענני הכבוד on the 15th of Tishrei (which the mitzvah of *succah* commemorates) as did the men.<sup>130</sup> ■

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דף	This Al Hadaf was made possible by the following daf dedications...	יום	
ב		יא אלול	Mon Sept 4
ג		יב אלול	Tues
ד	לז"נ ר' שלום דוד בן נחום אליהו הלוי ז"ל * ; In memory of Saul David Small o"n	יג אלול	Wed
ה	לז"נ צבי הירש בן יעקב הלוי ז"ל *	יד אלול	Thrs
	by David Faigen, in memory of his father Israel Faigen - לז"נ ישראל בן שמואל ע"ה *	טו אלול	Fri
ז	לז"נ ר' משולם פייש ב"ר ישראל חיים Gruner ז"ל *	טז אלול	שבת
	לז"נ אסתר רוזה בת אברהם יחיאל דיוטש ז"ל *		Sept 9
ח		יז אלול	Sun
ט	לז"נ חנה בת יהודה ז"ל * ; by Aaron Akselrud	יח אלול	Mon
	לז"נ אבי מורי משה אהרן ב"ר ישראל פריעדמאן ז"ל *		Sept 11
י		יט אלול	Tues
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יד		כג אלול	שבת
טו		כד אלול	Sun
טז		כה אלול	onM
יז	לז"נ אמי הרבנית מלכה בת ר' צבי אריה ע"ה * מאת בנה חיים צבי גאלדצווייג	כו אלול	sTue
יח		כז אלול	Wed
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כ	לז"נ חיה זיסל בת ר' יהושע גליק ע"ה *	כט אלול	Fri
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Cong. Al Hadaf  
 P.O. Box 791  
 Monsey, NY 10952  
 Ph. & Fx. 845-356-9114  
[cong\\_al\\_hadaf@yahoo.com](mailto:cong_al_hadaf@yahoo.com)

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