

NOTES

And the roofing of the upper *sukka* is within twenty cubits of the roofing of the lower one – וְקִיּוּמָא עֲלִיּוֹנָה בְּתוֹךְ עֶשְׂרִים – See *Tosafot* (9b), who discuss at length the correct version of the Gemara here. There are many opinions among the early commentaries with regard to this matter, and a corresponding number of variant readings. Essentially the dispute is over the manner in which unfit roofing can be rendered fit. According to Rashi and others, even an initially fit *sukka* can be rendered unfit by unfit roofing. According to Rabbeinu Tam and others, fit roofing is rendered unfit by unfit roofing only when several criteria are met (see Ritva and *Me'iri*).

As we likewise find in tents of ritual impurity the measure of a handbreadth – שֶׁכֵּן מְצִינֵי בְּאֵהָלֵי טוּמְאָה טֶפַח: Some note that the *halakha* here is derived from a *halakha* transmitted to Moses from Sinai; this is a deviation from the standard approach, which eschews that type of derivation. Apparently, since it is dealing with measurements, none of which has an explicit source in the Torah, this type of derivation is legitimate (see *Sefat Emet* and *Arukh LaNer*).

HALAKHA

How much space shall there be between the roofing of the upper *sukka* and the roofing of the lower *sukka* – כְּמָה יִהְיֶה בֵּין סוּכָה לְסוּכָה: In order for the *halakha* of a *sukka* beneath a *sukka* to take effect, the space between the two *sukkot*, measured from roofing to roofing, must be at least ten handbreadths, in accordance with the opinion of Shmuel. That is the ruling based on the fact that Rav Dimi holds in accordance with his opinion, and based on the *halakha* that the upper *sukka* must be fit for residence and in accordance with the *halakha* cited later with regard to one who sleeps inside netting (Rabbi Yitzhak ibn Giat; Rambam; Rosh; *Tur*; *Shulhan Arukh*, *Orah Hayyim* 628:1).

Measure of a tent with regard to ritual impurity – שִׁיעוּר אֵהָל – בְּטֶמְאָה: The legal status of a space measuring at least one handbreadth by one handbreadth and one handbreadth high is that of a tent with regard to the *halakhot* of ritual impurity. It serves as a barrier that prevents the spread of impurity beyond the space of the tent, and it transmits the impurity to all objects susceptible to impurity within that space (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 12:1).

הֵיכִי דְמִי – בְּגוֹן שֶׁהִתְחַתְּוֵנָה צִלָּתָהּ מְרֻבָּה מִחַמְצָתָהּ, וְעֲלִיּוֹנָה חֲמַתָּהּ מְרֻבָּה מִצִּלָּתָהּ, וְקִיּוּמֵי תְרוּיָהּ בְּתוֹךְ עֶשְׂרִים.

וּפְעָמִים שֶׁהֶעֱלִינָה כְּשֶׁרָה וְתַחְתּוֹנָה פְּסוּלָה, הֵיכִי דְמִי? בְּגוֹן דְּתְרוּיָהּ צִלָּתָן מְרֻבָּה מִחַמְצָתָן, וְקִיּוּמָא עֲלִיּוֹנָה בְּתוֹךְ עֶשְׂרִים.

פְּשִׁטָּא! תַּחְתּוֹנָה כְּשֶׁרָה וְעֲלִיּוֹנָה פְּסוּלָה אִיצְטְרִיבָא לֵיהּ; מַהוּ דְתִימָא נִיגוֹר דִּילְמָא מִצְטָרֵף סִכְךָ פְּסוּל בְּהַדֵּי סִכְךָ כְּשֶׁר, קָא מְשַׁמַּע לָן.

כְּמָה יִהְיֶה בֵּין סוּכָה לְסוּכָה וְתִהְיֶה תַּחְתּוֹנָה פְּסוּלָה?

אָמַר רַב הוּנָא: טֶפַח, שֶׁכֵּן מְצִינֵי בְּאֵהָלֵי טוּמְאָה טֶפַח. (דְּתַנְיָא): טֶפַח עַל טֶפַח בְּרוּם טֶפַח מִבְּיַא אֶת הַטוּמְאָה, וְחוּצָן בְּפָנֵי הַטוּמְאָה. אֲבָל פְּחוֹת מְרוּם טֶפַח – לֹא מִבְּיַא וְלֹא חוּצָן.

וְרַב חֲסִדָּא וְרַבָּה בַר רַב הוּנָא אָמְרִי: אַרְבַּעָה, שְׁלֹשָׁה מְצִינֵי מְקוֹם [חֲשׂוֹב] פְּחוֹת מְאַרְבַּעָה,

וְשִׁמוּאֵל אָמַר: עֶשְׂרֵה. מֵאֵי טַעְמָא דְשִׁמוּאֵל – בְּהַכְּשָׁרָה כִּד פְּסוּלָה; מַה בְּהַכְּשָׁרָה בְּעֶשְׂרֵה, אִף פְּסוּלָה בְּעֶשְׂרֵה.

תַּנּוּ, רַבִּי יְהוּדָה אוֹמֵר: אִם אֵין דְּיוֹרִין בְּעֲלִיּוֹנָה – הִתְחַתְּוֵנָה כְּשֶׁרָה.

What are the circumstances? It is in a case where in the lower *sukka*, its shade is greater than its sunlight, rendering the *sukka* fit, and in the upper *sukka*, its sunlight is greater than its shade and it is therefore insignificant, and the roofing of both is within twenty cubits of the ground.

And there are times when the upper *sukka* is fit and the lower *sukka* is unfit. What are the circumstances? It is in a case where in both *sukkot* their shade is greater than their sunlight, and the roofing of the upper *sukka* is within twenty cubits of the roofing of the lower one.<sup>N</sup> In this case the upper *sukka* is fit, while the lower *sukka* is a *sukka* beneath a *sukka* and is unfit.

The Gemara asks: This is obvious. There is nothing novel in any of these scenarios. The Gemara answers: It was necessary for the *tanna* to mention the case where the lower *sukka* is fit and the upper *sukka* is unfit, as it contains a novel element. Let you say: Let us issue a decree and deem the lower *sukka* unfit, as perhaps the unfit roofing of the upper *sukka* joins together with the fit roofing of the lower *sukka* and renders it unfit as well; therefore, the *tanna* teaches us that the two roofings do not join together and the upper roofing does not render the lower *sukka* unfit.

The Gemara elucidates this *halakha*. How much space shall there be between the roofing of the upper *sukka* and the roofing of the lower *sukka*<sup>H</sup> for the lower *sukka* to be considered a discrete entity and therefore disqualified as a *sukka* beneath a *sukka*?

Rav Huna said: There must be a handbreadth of space, as we likewise find in tents of ritual impurity the measure of a handbreadth.<sup>N</sup> With regard to the *halakhot* of ritual impurity imparted by a corpse, the legal status of the space of one handbreadth beneath a roof is that of a tent, as we learned in a mishna: A space measuring one handbreadth by one handbreadth with a height of one handbreadth transmits ritual impurity. If a source of ritual impurity imparted by a corpse is in that space, the impurity is transmitted to all people, vessels, and food in that space. And a space that size serves as a barrier before the spread of ritual impurity beyond that space.<sup>H</sup> However, if the space measures less than the height of one handbreadth, it does not transmit impurity to the objects in that space, and it does not serve as a barrier before the spread of ritual impurity. The impurity breaches the confining walls and rises upward as if there were no covering over it.

Rav Hisda and Rabba bar Rav Huna say: For this to be considered a *sukka* beneath a *sukka*, the space between the roofing of the upper *sukka* and that of the lower one must measure at least four handbreadths, as we do not find a significant area that measures less than four handbreadths, e.g., with regard to the domains of Shabbat.

And Shmuel said: The space between the roofing of the upper *sukka* and that of the lower one must measure at least ten handbreadths. The Gemara asks: What is the rationale for the opinion of Shmuel? The Gemara explains: As the criterion for its fitness, so too is the criterion for its unfitness; just as its fitness is only in a *sukka* ten handbreadths high, so too, its unfitness as a *sukka* is engendered only by a *sukka* ten handbreadths high.

The Gemara questions Shmuel's statement: We learned in the mishna that Rabbi Yehuda says: If there are no residents in the upper *sukka*, the lower *sukka* is fit.

When Rav Dimi came he said – **כי אָתָא רב דימי אָמר** – See the Ritva, who discusses at length whether Rav Dimi's explanation is cited by the Gemara specifically in support of Shmuel's statement or whether it is cited as an explanation of the mishna unrelated to Shmuel's statement (see *Me'iri* and *Arukh LaNer*).

**פִּירִים עָלֶיהָ סָדִין** – If one spread a sheet over the roofing – The commentaries disagree whether the reason that this would render the *sukka* unfit is because he adds additional roofing, or because he is sitting beneath unfit roofing (see Rabbeinu Yonatan and *Sefer Hashlama*). They also disagree whether the reason that placing the sheet beneath the roofing renders the *sukka* unfit is that it constitutes a barrier of unfit roofing between the individual and the fit roofing, and therefore it does not render the *sukka* unfit in cases where it is ancillary to the roofing, e.g., as a decoration. Alternatively, there may be a distinction between a case where the sheet was placed for the comfort of the person in the *sukka*, even if it is to protect him from the sun, in which case it does not render the *sukka* unfit, and a case where it was placed to preserve the roofing, in which case it renders the *sukka* unfit (see *Mordekhai* and *Penei Yehoshua*).

**עַל גְּבִי נִקְלִיטֵי הַמִּשָּׁה** – Over the frame of a two-post bed – In the Jerusalem Talmud this case is analogous to that of one sleeping in his bed covered by a sheet. Although he occasionally lifts his hands and raises the sheet, obviously the sheet does not become a tent serving as a barrier so that he is not considered to be beneath the roof of the *sukka*.

## LANGUAGE

**Four-post [kinof] bed** – קִינוֹף: From the Greek *κωνοπέων, konopeon*, meaning a bed with a canopy over it.

**Two-post [nakliten] bed** – נִקְלִיטִין: From the Greek *ἀνάκλιτον, anakliton*, which refers to a chair that reclines, bed supports, and the like. The word was adopted to connote a specific type of bed support.

מאי "אין דירין"? אילימא דירין ממש – אטו דירין קא גרמי? אלא לאו – מאי "אין דירין" – כל שאינה ראויה לדירה, והיכי דמי – דלא גבוהה עשרה, מכלל דתנא קמא סבר: אף על פי שאינה ראויה לדירה – פסולה!

The Gemara clarifies: **What is the meaning of: There are no residents?** If we say that it means that there are no actual residents, the question arises: **Is that to say that residents cause it to be unfit?** If the upper *sukka* is a fit *sukka*, is there any difference whether or not people reside there? **Rather, what is the meaning of: There are no residents?** Is it not referring to any *sukka* that is not suitable to serve as a residence? **And what are the circumstances of that case?** It is a case where the *sukka* is not ten handbreadths high, as anything less than ten handbreadths high is not considered a residence. From the fact that it is Rabbi Yehuda who distinguishes between whether or not the upper *sukka* is at least ten handbreadths high, conclude by inference that the first *tanna* of the mishna holds that the lower *sukka* is unfit even if the upper *sukka* is less than ten handbreadths high and therefore not suitable to serve as a residence. This is contrary to the opinion of Shmuel.

כי אָתָא רב דימי אָמר, אָמרי במערבא: אם אין התחתונה יכולה לקבל פרים וכסותות של עליונה – התחתונה כשרה.

When Rav Dimi came from Eretz Yisrael to Babylonia, he said<sup>N</sup> that the Sages say in the West, Eretz Yisrael, in explanation of the mishna: **If the roofing of the lower *sukka* is not sufficiently sturdy to be able to support the cushions and blankets of the upper *sukka*, then the lower *sukka* is fit**, as the upper *sukka* is not suitable to serve as an independent residence. According to this explanation, the mishna does not discuss the height of the upper *sukka*; it discusses the quality of the roofing.

מכלל דתנא קמא סבר: אף על פי שאינה ראויה לקבל – פסולה?!

The Gemara notes: Is that to say by inference that the first *tanna* holds that even though the roofing of the lower *sukka* is not sufficiently sturdy to be able to support the cushions and blankets of the upper *sukka*, the lower *sukka* is unfit? In that case, the upper *sukka* is not a suitable residence. Why should the lower *sukka* be unfit?

איבא בינייהו דיכולה לקבל על ידו הדחק.

The Gemara answers: The first *tanna* agrees that if the roofing of the lower *sukka* is unable to support the cushions and the blankets at all, the upper *sukka* is not considered a *sukka* and the lower *sukka* is fit. However, there is a practical difference between the opinions of the first *tanna* and Rabbi Yehuda in a case where the roofing of the lower *sukka* is able to support the cushions and the blankets of the upper *sukka* with difficulty and there is a concern that the roofing might collapse. In that case, the first *tanna* holds that since the roofing is capable of supporting the cushions and blankets, the upper *sukka* is considered a separate *sukka* and renders the lower *sukka* unfit. According to Rabbi Yehuda, since the roofing is able to support the weight of the cushions and blankets only with difficulty, the upper *sukka* is not fit. Therefore, the lower *sukka*<sup>H</sup> is fit.

מתני' פירים עליה סדין מפני החמה, או תחתיה מפני הנשר, או שפירים על גבי הקינוף פסולה, אבל פורים הוא על גבי נקליטי המשה.

**MISHNA** If one spread a sheet over the roofing<sup>NH</sup> as protection for those sitting in the *sukka* due to the sun, or if one spread a sheet beneath the roofing as protection due to the falling leaves, or if one spread a sheet as a canopy over the frame of a four-post [*kinof*] bed,<sup>L</sup> the area in the *sukka* beneath the sheets is unfit. In the first two cases, because the sheet is susceptible to ritual impurity, it renders the otherwise fit roofing unfit. In the case of the canopy, one is not sitting under the roofing of the *sukka*; rather, he is sitting inside a tent. However, one may spread the sheet over the frame of a two-post [*naklitei*] bed,<sup>NL</sup> which has one post in the middle of each end of the bed. When spreading the sheet over the posts it forms an inclined rather than a flat roof, and a tent with an inclined roof is not considered a significant structure.

## HALAKHA

**Upper *sukka*, lower *sukka*** – סוכה עליינה סוכה תחתונה: In a case where one *sukka* is built atop another, and there are ten handbreadths between the roofing of one and the roofing of the other, and the roofing of the lower *sukka* is capable, even if only with difficulty, of supporting the cushions and blankets of the upper *sukka*, the lower *sukka* is unfit and the upper *sukka* is fit. If there are less than ten handbreadths between the two or if the roofing of the lower *sukka* is incapable of supporting the cushions of the upper *sukka*, the lower *sukka* is fit and the upper *sukka* is unfit (*Shulhan Arukh, Orah Hayyim* 628:1).

**סוכה** – שפירים עליה סדין: A *sukka* in which one spread a sheet over its roofing – שפירים עליה סדין: If a sheet was spread over the roofing of a *sukka* to shield from the sun, or beneath the roofing in order to prevent leaves from falling on the people inside, the *sukka* is unfit. However, one is permitted to spread a sheet for decoration, in accordance with the opinion of Rav Hisda supported by the *baraita* (*Maggid Mishne*). That is the *halakha* provided that the sheet is within four handbreadths of the roofing, in accordance with the opinions of Rav Hisda and Rabba bar Rav Huna (Rashi; Rambam; Rabbeinu Hananel; Ran; others). Others hold that the

sheet renders the *sukka* unfit only if its purpose is to prevent the roofing from losing its leaves or drying out, both of which affect the ratio of shade to sunlight. However, if the sheet was placed for the benefit of the individual, e.g., to shield one from the sun or falling leaves, it is permitted as long as it is within four handbreadths of the roof (Rabbeinu Tam; Rosh; *Or Zarua; Tur*; others). The later authorities ruled that one should follow the stringent opinion unless faced with exigent circumstances, in which case one may follow the more lenient opinion (*Pere Megadim* and others; *Shulhan Arukh, Orah Hayyim* 629:19).

Grape branches [*parkilei*] – פּרְכִילֵי: Possibly related to the Greek φραγγέλλιον, *fragellion*, an adopted term meaning branch or twig.

**גמ' אמר רב חסדא:** לא שנו אלא מפני הנשר, אבל לנאותה – בשירה. פשיטא, "מפני הנשר" תנן! מהו דתימא הוא הדין דאפילו לנאותה, והאי דקתני "מפני הנשר" – אורחא דמילתא קתני, קא משמע לן.

**GEMARA** Rav Hisda said: The Sages taught the ruling that the sheet renders the *sukka* unfit **only** when it is placed underneath the roofing **due to the falling leaves**; however, if his intent was to spread the sheet for decorative purposes **to beautify the *sukka***, it is not in the category of roofing and the *sukka* is fit. The Gemara asks: This is **obvious**, as: **Due to the falling leaves**, is what we learned in the mishna. The Gemara answers: **Lest you say that the same is true**, i.e., the *sukka* is unfit, **even** when the sheet was spread **to beautify the *sukka***, and the reason **that the mishna teaches** specifically the case where one spread the sheet **due to the falling leaves** is that the mishna **teaches the matter**, spreading a sheet in the *sukka*, **in the manner in which** it typically occurs. Rav Hisda **teaches us** that the formulation of the mishna is precise and the *halakha* applies specifically to the case cited. If one spread the sheet for decorative purposes, it does not render the *sukka* unfit.

לימא מסייע ליה: סיככה בהלכתה ועיטרה בקרמין ובסדימין המצויין, ותלה בה אגוזין, שקדים, אפרסקין ורמונים, פרבילי ענבים ועטרות של שבולין, יינות שמנים וסלתות – אסור להסתפק מהן

The Gemara suggests: **Let us say** that the following *Tosefta* supports the opinion of Rav Hisda. If **one roofed the *sukka* in accordance with its halakhic requirements**, and decorated it with colorful curtains and sheets, and hung in it ornamental nuts, peaches, almonds, and pomegranates, grape branches [*parkilei*],<sup>L</sup> and wreaths of stalks of grain, wines, oils, and vessels full of flour, it is prohibited to derive benefit and use them

Perek I

Daf 10 Amud b

NOTES

*Sukka* decorations – נווי סוכה: Some view the decorations as objects that are not roofing and are not fit to be roofing, and address their halakhic status accordingly (see Rashi and others). Others hold that the halakhic status of the decorations is unique because they are neither an integral part of the *sukka* nor are they incorporated into and negated by the *sukka*. This issue is related to the question whether the sunlight that passes through these decorations exceeds the shade that they provide or vice versa (Rabbi Aharon HaLevi; *ge'onim*).

עד מוצאי יום טוב האחרון של חג. ואם התנה עליהם – הכל לפי תנאו. דלמא מן הצד.

**until the conclusion of the last day of the Festival.** And if before he hung the decorations **he stipulated with regard to them** that he will be permitted to use them even during the Festival, **everything is according to his stipulation**, and he is permitted to use them.<sup>H</sup> Apparently, sheets may indeed be spread in the *sukka* for decorative purposes. The Gemara rejects this: There is no proof from the *Tosefta*, as **perhaps** the reference is to sheets spread **on the side** of the *sukka*. However, if they are spread beneath the roofing, it renders the *sukka* unfit.

אתמר, נווי סוכה אין ממעטין בסוכה. אמר רב אשי: ומן הצד ממעטין.

**S** Apropos decorations, it was stated: *Sukka* decorations<sup>N</sup> do not diminish<sup>H</sup> the height of the *sukka*. Decorations hanging from the roofing are not considered part of the structure and therefore do not diminish the height of the *sukka*. If the roofing is more than twenty cubits above the ground, the decorations hanging within twenty cubits of the ground do not render the *sukka* fit. **Rav Ashi said:** However, if the decorations are spread **on the side** of the roof, they are considered part of the structure and **diminish<sup>H</sup>** the area. If the decorations render the interior of the *sukka* less than seven by seven handbreadths, the *sukka* is unfit.

HALAKHA

Prohibition against deriving benefit from the *sukka* decorations – איסור הנאה מנווי הסוכה: One may not derive benefit from food and drinks hanging in the *sukka*, as decorations during the Festival may not be used unless one expressly stipulated prior to the onset of the Festival that he is not refraining from their use throughout the twilight period, during which their status as set-aside objects is determined. In that case, one may benefit from them throughout the Festival, in accordance with the Gemara here and in tractate *Beitza* (30b) (*Shulhan Arukh, Orach Hayyim* 638:2).

*Sukka* decorations do not diminish – נווי סוכה אינם ממעטים: Objects hanging in the *sukka* as decorations do not diminish the height of the internal space of the *sukka*, neither to render it

fit, e.g., when the decorations hang within twenty cubits of the ground from roofing higher than twenty cubits, nor to render it unfit, e.g., when the decorations hang within ten handbreadths of the ground. Some say that decorations that are fit roofing diminish the interior space of the *sukka* (*Peri Megadim*) and others disagree (*Bah; Levush; Biur Halakha; Shulhan Arukh, Orach Hayyim* 633:3).

Diminishing from the side – **מיעוט מן הצד**: If decorations are attached to the walls of the *sukka* that diminish the area of the *sukka* to less than the requisite minimum of a bit more than seven by seven handbreadths, the *sukka* is unfit, in accordance with the opinion of Rav Ashi (*Shulhan Arukh, Orach Hayyim* 634:3).

Became wet [itamisha] – איטמישא: From the Syriac root *tms*, meaning to dip an item into a liquid.

## NOTES

He spread it over the *sukka* – אִשְׁתַּטְחָא אֲמַטְלֵתָא: Many authorities address the matter of placing a wet shirt atop a *sukka* in order to dry it, with regard to the general question of whether this is considered deriving benefit from the *sukka* (see Rabbi Nehemya Borakh and *Emek Sukkot*), as well as with regard to the details of the incident related in the Gemara. According to those who say one may not sit beneath the shirt since the shade in that spot is not provided by the roofing, it is clear that no one would sit beneath it due to the dripping water, and that is why Rav Ashi required the servant to remove it only after it was dry (Ritva). The *Me'iri* states that it can be explained that the entire incident transpired prior to the Festival and they needed to remove the shirt due to the appearance of transgression.

He lodged them in a *sukka* whose decorations were removed – אֲגִנְיָהוּ בְּסוּכָה שְׁנוּיָהּ מוֹפְלָגִים: The early commentaries wonder how Rav Nahman acted in this manner and why he would cause them to act contrary to their opinions. Some say that in a case where the halakhic ruling was not yet determined, one may make provisions for another contrary to the professed opinion of that individual. This is especially true in this case, where Rav H̄isda and Rabba bar Rav Huna were aware of the situation and could have opted not to sleep there (Ritva; *Me'iri*; *Rishon LeTziyyon*; *Arukh LaNer*).

We are on the path to perform a mitzva and we are exempt from the mitzva of *sukka* – אֲנִי שְׁלוּחֵי מַצְוָה: A mishna that appears later in the tractate (25a) teaches that those engaged in the performance of a mitzva are exempt from the mitzva of *sukka*. Rashi explains that visiting one's teacher on the Festival is a mitzva, so in visiting the house of the Exilarch they were engaged in the performance of a mitzva.

## HALAKHA

*Sukka* decorations that are removed from the roofing – נוֹי סוּכָה הַמוֹפְלָגִין מִמְּנָה: Decorations that are four or more handbreadths removed from the roofing of the *sukka* render the *sukka* unfit. Therefore, they must be placed closer to the roofing, in accordance with the opinion of Rav H̄isda and Rabba bar Rav Huna, who constitute a majority against Rav Nahman. Others rule stringently and prohibit these decorations even if the sunlight that passes through the decorations exceeds the shade that they provide (Ran; *Maggid Mishne*; Ritva), while others rule that they are permitted under those circumstances (Rabbi Aharon Halevi; *Shulḥan Arukh, Oraḥ Hayyim* 627:4).

A bed with netting inside the *sukka* – כִּילָה בְּסוּכָה: If one sleeps in the *sukka* in a bed with netting, and the netting is not ten handbreadths high or it does not have a roof one handbreadth wide, he fulfills his obligation, in accordance with the opinion of Shmuel (*Shulḥan Arukh, Oraḥ Hayyim* 627:2).

מִנְיָמִין עֲבָדִיהָ דְרַב אֲשִׁי אִיטְמִישָׁא לִיהַּ כְּתוּנְתָא בְּמֵיא. וְאִשְׁתַּטְחָא אֲמַטְלֵתָא. אָמַר לִיהַּ רַב אֲשִׁי: דְלֵיָהּ, דְלֵא לִימְרוּ קָא מְסַכְכֵי בְדָבָר הַמְקַבֵּל טוּמְאָה. וְהָא קָא חֲזוּ לִיהַּ דְרִטְיָבָא! לְכִי יִבְשָׁה קָאמִינָא לָךְ.

The Gemara relates with regard to Minyamin, the servant of Rav Ashi, that his shirt became wet [itamisha],<sup>1</sup> and he spread it over the *sukka*<sup>N</sup> to dry it. Rav Ashi said to him: Take it down so that people will not say that they are roofing the *sukka* with an item susceptible to ritual impurity. The servant said to him: But don't they see that it is wet and understand that I placed it there to dry? Rav Ashi replied: Take it down once it is dry is what I am saying to you, as then people are apt to think that it is part of the roofing.

אֲתָמַר, נוֹי סוּכָה הַמוֹפְלָגִין מִמְּנָה אֲרַבְעָה. רַב נַחֲמָן אָמַר: כְּשֶׁרָה, רַב חֲסֵדָא וְרַבָּה בַר רַב הוֹנָא אָמְרוּ: פְּסוּלָהּ.

It was stated with regard to *sukka* decorations, e.g., sheets spread beneath the roofing to decorate the *sukka*, that are removed from the roofing<sup>H</sup> four handbreadths, the *amora'im* disagreed whether they interpose between the roofing and the *sukka*. Rav Nahman said: The *sukka* remains fit. Rav H̄isda and Rabba bar Rav Huna said: It is unfit.

רַב חֲסֵדָא וְרַבָּה בַר רַב הוֹנָא אִיקְלְעוּ לְכִי רִישׁ גְּלוּתָא. אֲגִנְיָהוּ רַב נַחֲמָן בְּסוּכָה שְׁנוּיָהּ מוֹפְלָגִין מִמְּנָה אֲרַבְעָה טַפְחִים, אֲשִׁתִּיקוּ וְלֵא אָמְרוּ לִיהַּ וְלֵא מִיָּדִי אָמַר לְהַ: הַדּוּר בְּהוּ רַבְנָן מִשְׁמַעְתֵּיהוּ? אָמְרוּ לִיהַ: אֲנִי שְׁלוּחֵי מַצְוָה אֲנִי וּפְטוּרִין מִן הַסוּכָה.

The Gemara relates that Rav H̄isda and Rabba bar Rav Huna happened to come to the house of the Exilarch.<sup>8</sup> Rav Nahman, who was the official in charge of the Exilarch's household, lodged them in a *sukka* whose decorations were removed<sup>N</sup> from the roofing four handbreadths. They were silent and did not say anything to him, even though in their opinion the *sukka* was unfit. Rav Nahman said to them: Did the Sages retract their halakhic ruling? Does your silence indicate that you concede to my ruling? They said to him: We are on the path to perform a mitzva and, therefore, we are exempt from the mitzva of *sukka*.<sup>N</sup> Therefore, it is permitted for us to sleep in this *sukka*. In terms of the *halakha*, our ruling is unchanged.

אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: מוֹתֵר לִישֵׁן בְּכִילָה בְּסוּכָה, אִף עַל פִּי שֵׁישׁ לָהּ גַּג, וְהוּא שְׂאִינָה גְבוּהָה עֲשָׂרָה.

Rav Yehuda said that Shmuel said: It is permitted to sleep in a bed with netting inside the *sukka*,<sup>H</sup> even though the bed has a roof, provided that the netting is not more than ten handbreadths higher than the bed. In that case, the netting is not considered a tent in and of itself.

תָּא שְׂמַע: הִישָׁן בְּכִילָה בְּסוּכָה – לֵא יִצְא יָדֵי חוּבְתוֹ! הֲכָא בְּמֵיא עֲסָקִינָּ – כְּשֶׁגְבוּהָה עֲשָׂרָה.

Come and hear: One who sleeps in a bed with netting inside the *sukka* did not fulfill his obligation, contrary to the statement that Rav Yehuda cited in the name of Shmuel. The Gemara answers: With what are we dealing here? It is a case where the netting is more than ten handbreadths higher than the bed and is considered a tent in and of itself.

מִיתִיבֵי: הִישָׁן תַּחַת הַמַּטָּה בְּסוּכָה לֵא יִצְא יָדֵי חוּבְתוֹ! הָא תִּרְגְּמָה שְׂמוּאֵל בְּמַטָּה גְבוּהָה עֲשָׂרָה.

The Gemara raises an objection from a mishna: One who sleeps beneath the bed in the *sukka* did not fulfill his obligation. As the height of a typical bed is less than ten handbreadths, apparently, even if the covering beneath which one is sleeping in less than ten handbreadths high, it is a tent in and of itself and he does not fulfill his obligation. The Gemara answers: Didn't Shmuel interpret the mishna as referring to the case of a bed ten handbreadths high? Therefore, one who sleeps beneath the bed did not fulfill his obligation.

תָּא שְׂמַע: אוּ שְׂפִירַס עַל גְּבִי קִינוּפוֹת – פְּסוּלָהּ! הֲתָם נִמְי דְּגִבְיָהּ עֲשָׂרָה.

Come and hear that which is taught in the mishna: Or if one spread a sheet as a canopy over the frame of a four-post bed, the area in the *sukka* beneath the sheet is unfit. Apparently, a bed with certain types of netting is unfit. The Gemara answers: There, too, it is a case where the posts are ten handbreadths high.

## BACKGROUND

Exilarch – רִישׁ גְּלוּתָא: The person who filled the position of Exilarch, who was descended from the House of David, was recognized by the Jews as the heir to the scepter of Judah (see Genesis 49:10) and entrusted with broad official powers. He was the leader of the Jews of the Persian Empire and their representative to the authorities, who regarded him as a member of a royal dynasty. Consequently, he enjoyed a lofty position within

the Persian court. During various periods, he was considered third in the royal hierarchy.

He was responsible for the collection of a major portion of the government taxes and could appoint leaders and judges whose powers included the imposition of corporal, and sometimes capital, punishment. Adjacent to the Exilarch's home was a special rabbinical court appointed by him to deal with cases

involving money and, in particular, property. He also seems to have had the authority to make certain appointments throughout the country, though most of them were made in consultation with the heads of the great academies. The Exilarchs themselves were referred to in the Talmud by the honorific title *Mar* before or after their name, and were devoted to the Torah. Some of them were significant scholars in their own right.

NOTES

Bed posts, canopy frame posts, bed with netting – נקליטין, קינופות, כילה: In summary, there are apparently three categories: The netting over a bed is not a fixed structure at all, as it is apparent that the netting is only temporary and not an integral part of the bed; two posts are more fixed than the netting but do not constitute a full-fledged tent; and four posts are fixed and constitute a full-fledged tent (Ran).

One who sleeps naked in a bed with netting – הישן בבילה – ערום: The prohibition against reciting *Shema* while naked is derived from the verse: "Therefore shall your camp be holy; that He see no unseemly thing in you" (Deuteronomy 23:15). Therefore, when engaged in the performance of a mitzva, e.g., reciting *Shema*, one must ensure that there is no unseemly thing, i.e., nakedness, in his domain. The question with regard to one in a bed with netting is: What are the parameters of his domain? Is it the entire dwelling, in which case his nakedness is covered by the netting and he may recite *Shema*, or is the bed his domain, in which case there is nakedness in his camp and he may not recite *Shema*?

והא לא קתני הכי, דתניא: נקליטין שנים, וקינופות ארבעה. פירס על גבי קינופות – פסולה, על גבי נקליטין – כשרה, ובלבד שלא יהיו נקליטין גבוהין מן המטה עשרה. מכלל דקינופות, אף על פי שאין גבוהין עשרה!

שאני קינופות, דקביעי. והרי סוכה על גבי סוכה דקביעא, ואמר שמואל: כהכשרה כך פסולה! אמרי: התם דלמפסל סוכה – בעשרה, הכא דלשוויי אוהלא – בציר מעשרה נמי הוי אוהלא.

אמר רב תחליפא בר אבימי אמר שמואל: הישן בבילה ערום – מוציא ראשו חוץ לבילה וקורא קריאת שמע.

מיתבי: הישן בבילה ערום לא יוציא ראשו חוץ לבילה ויקרא קריאת שמע! הכא במאי עסקינן בשגבוהה עשרה.

הכי נמי מסתברא, מדקתני סיפא: הא למדה זה דומה – לעומד בבית ערום, שלא יוציא ראשו חוץ לחלון ויקרא קריאת שמע. שמע מינה.

The Gemara asks: **But that is not the way it is taught, as it is taught in the *baraita*: *Naklitin* are two posts<sup>B</sup> and *kinofot* are four posts.<sup>B</sup> If one spread a sheet over four posts, the area in the *sukka* beneath the sheet is unfit; if one did so over two posts the entire *sukka* is fit, provided the two posts are not ten handbreadths higher than the bed. This proves by inference that a sheet spread over four posts renders the area in the *sukka* beneath the sheet unfit even if it is not ten handbreadths high.**

The Gemara answers: **Four posts are different because they are fixed in the bed and constitute a significant space even without the requisite height. The Gemara asks: But a *sukka* atop another *sukka* is fixed, and yet Shmuel said: As the criterion for its fitness, so too is the criterion for its unfitness. The upper *sukka* renders the lower *sukka* unfit only if it is ten handbreadths high. The Sages say in distinguishing between the cases: There, in the case of a *sukka* atop another *sukka*, where the measurement is in order to disqualify the lower *sukka*, ten handbreadths are required to render the upper *sukka* a separate entity. However, here, in the case of the four-post bed, in order to consider the covering a tent, less than ten handbreadths is also considered to be a tent, as it is fixed.**

§ Rav Tahalifa bar Avimi said that Shmuel said: **One who sleeps naked in a bed with netting<sup>N</sup> and is required to recite *Shema* moves his head out from beneath the netting and recites *Shema*.<sup>N</sup> Although he is naked, the netting is considered like a garment; therefore, it is permitted to recite *Shema*.**

The Gemara raises an objection from a *baraita*: **One who sleeps naked in a bed with netting may not move his head out from beneath the netting and recite *Shema*.** The Gemara answers: **With what are we dealing here? It is a case where the netting is ten handbreadths high. In that case, it is considered a tent and not a garment.**

The Gemara notes: **So too, it is reasonable to understand the *baraita* in that manner from the fact that it is taught in the latter clause of that *baraita*: To what is this comparable? It is comparable to one standing naked in his house, that he may not move his head out the window and recite *Shema*. That is certainly ineffective. The fact that the *baraita* likens the bed with netting to a house indicates that it is netting at least ten handbreadths high. The Gemara concludes: Indeed, learn from it that this is the correct understanding.**

BACKGROUND

*Naklitin* are two posts – נקליטין שנים:



Bed with posts in the center of the bed frame, upon which a cover is spread, forming an inclined roof

*Kinofot* are four posts – קינופות ארבעה:



Bed with four posts at the corners of the bed, upon which a cover is spread, forming a ceiling-like covering