

HALAKHA

Old sukka – סוכה לשנה: A *sukka* constructed more than thirty days prior to the festival of *Sukkot* is fit, provided that one introduces a minor modification with the Festival in mind. This modification can cover a square handbreadth in one place or any measure stretching across the length of the *sukka*. If one established the *sukka* specifically for the Festival, it is fit even if it was established a year earlier, in accordance with the opinion of Beit Hillel in the mishna and the ruling in the Jerusalem Talmud, which requires the modification. According to most authorities, the modification is added in the roofing (*Ittur*; *Me'iri*; *Ritva*). Even in a *sukka* established specifically for the Festival one should introduce a modification to make it clear that the *sukka* is indeed for the sake of the mitzva (*Bah*; *Shulḥan Arukh*, *Orah Ḥayyim* 636:1).

Prohibition against deriving benefit from the wood of the sukka – איסור הנאה בעצי סוכה: It is prohibited to derive benefit from the wood of the *sukka* for the duration of the entire festival of *Sukkot*; this applies to both the walls and the roofing. It is even prohibited to remove a splinter for use as a toothpick. This ruling is in accordance with the ruling of Rav Sheshet in the name of Rabbi Akiva (*Shulḥan Arukh*, *Orah Ḥayyim* 638:1).

NOTES

However, if he established it expressly for the sake of the festival of *Sukkot* – אָבֵל אִם עֲשָׂאָה לְשֵׁם חַג: According to Rashi and others, this phrase in the mishna modifies the opinion of Beit Shammai, indicating that they do not disagree in a case where the *sukka* was constructed specifically for the Festival. However, this understanding is difficult, as it is not typical for the mishna to discuss Beit Shammai's opinion at length. Therefore, some interpret this phrase as explaining that Beit Hillel permit not only an old *sukka* that was built thirty days before the Festival, but even one that was built much earlier (*Ran*). See *Tosafot*, who conclude from here that Beit Hillel do not require even a small modification to the *sukka* if it was built for the sake of the Festival. Some explain that the term *makhshirin* in the mishna means render it fit, not deem it fit, alluding to the fact that there is an obligation to make a small modification in the *sukka ab initio*.

Modifications in the sukka – חדוש בסוכה: In the Jerusalem Talmud, there is a requirement to introduce a minor modification to render an old *sukka* fit. Some hold that it is a requirement by Torah law (*Beit Yosef*; *ge'onim*). Others say that the requirement to introduce a modification is only to enhance the mitzva, and the *sukka* is fit even by rabbinic law without modification (*Ran*; *Me'iri*; *Magen Avraham*; see *Tosafot*).

Prohibition of the wood of the sukka – איסור עצי סוכה: The nature of this prohibition is subject to dispute. Some maintain that the wood of the *sukka* is consecrated by Torah law, and it is prohibited to derive benefit from it for the duration of the mitzva (see *Tosafot*). Others hold that the wood was designated for fulfillment of the mitzva, and it may not be used in a manner similar to items that are set aside from use on Shabbat and Festivals. There is also a disagreement whether the Torah prohibition, according to that opinion, applies to the entire *sukka* or just to its essential component, i.e., its minimum dimensions by Torah law (*Rabbeinu Yitzhak* and *Rabbeinu Tam* in *Tosafot*). An additional question is whether the prohibition applies only to a standing *sukka*, or even to wood that fell off during the Festival (see *Me'iri*; *Rosh*; *Shulḥan Arukh HaRav*). Some distinguish between different parts of the *sukka* as follows: The roofing is prohibited due to its sanctity, the walls because they are set aside, and the decorations due to the prohibition of treating a mitzva with contempt (see Rabbi Aharon HaLevi; *Me'iri*).

מתני' סוכה ישנה. בית שמאי פוסלין וביית הלל מכשירין. ואיזו היא סוכה ישנה? כל שעשאה קודם לחג שלשים יום. אבל אם עשאה לשם חג, אפילו מתחילת השנה – כשרה.

גמ' מאי טעמיהו דבית שמאי? אמר קרא: "חג הסוכות שבועת ימים לה" – סוכה העשויה לשם חג בעינין.

ובית הלל: ההוא מיבעי ליה לכדרב שישת. דאמר רב שישת משום רבי עקיבא: מנין לעצי סוכה שאסורין כל שבועה – תלמוד לומר: "חג הסוכות שבועת ימים לה".

ותנאי. רבי יהודה בן בתירה אמר: בשם שחל שם שמים על החגיגה כך חל שם שמים על הסוכה, שנאמר: "חג הסוכות שבועת ימים לה", מה חג לה' – אף סוכה לה'.

ובית שמאי נמי מיבעי ליה להכי! אין הכי נמי.

אלא מאי טעמיהו דבית שמאי – בתיב קרא אחרניא: "חג הסוכות תעשה לך שבועת ימים" – סוכה העשויה לשם חג בעינין.

ובית הלל: ההוא מיבעי ליה לעושיין סוכה בחולו של מועד.

ובית שמאי, סבירא להו כרבי איליעור, דאמר: אין עושיין סוכה בחולו של מועד.

MISHNA With regard to an old *sukka*,^H Beit Shammai deem it unfit for the mitzva of *sukka* and Beit Hillel deem it fit. And which is considered an old *sukka*? It is any booth that one established thirty days or more prior to the Festival without expressly designating that it was for the mitzva of *sukka*. In that case, the assumption is that he constructed it for some other purpose. However, if he established it expressly for the sake of the festival of *Sukkot*,^N even if he constructed it at the beginning of the previous year, it is fit for use in the fulfillment of the mitzva of *sukka*, even according to Beit Shammai.^N

GEMARA The Gemara asks: What is the rationale for the opinion of Beit Shammai? The Gemara explains that it is as the verse states: "The festival of *Sukkot* is seven days unto the Lord" (Leviticus 23:34), indicating that we require a *sukka* established for the sake of the Festival. A *sukka* not constructed expressly for the Festival is unfit.

The Gemara asks: And how do Beit Hillel interpret this verse? The Gemara answers: In Beit Hillel's opinion, that verse is necessary to teach in accordance with the statement of Rav Sheshet, as Rav Sheshet said in the name of Rabbi Akiva: From where is it derived that use of the wood of the *sukka* is prohibited^{HN} for any purpose other than for the *sukka* all seven days of the Festival, and it is designated exclusively for the mitzva? It is derived as the verse states: "The festival of *Sukkot* is seven days unto the Lord."

And it is taught in a *baraita* in explanation that Rabbi Yehuda ben Beteira says: Just as the name of Heaven takes effect upon the Festival peace-offering, so too, the name of Heaven takes effect upon the *sukka*, as it is stated: "The festival of *Sukkot* is seven days unto the Lord"; just as the Festival offering is consecrated to the Lord, so too, the *sukka* is consecrated to the Lord.

The Gemara asks: But don't Beit Shammai require the verse to derive this *halakha* as well? The Gemara answers: Yes, indeed it is so that Beit Shammai derives the sanctity of the wood of the *sukka* from this verse. Therefore, the rationale for their opinion with regard to an old *sukka* must be based on a different verse.

Rather, what is the rationale for the opinion of Beit Shammai with regard to an old *sukka*? Another verse is written: "You shall prepare for you the festival of *Sukkot* for seven days" (Deuteronomy 16:13), from which it is derived that we require a *sukka* established for the sake of the Festival.

The Gemara asks: And how do Beit Hillel interpret this verse? The Gemara answers: That verse is necessary to teach that one may establish a *sukka* even during the intermediate days of the Festival. If one failed to construct a *sukka* prior to the onset of the Festival, or if it collapsed during the Festival, he may establish it during the intermediate days, as the mitzva to establish a *sukka* is in effect for all seven days of the Festival.

The Gemara asks: And from where do Beit Shammai derive this *halakha*? They hold in accordance with the opinion of Rabbi Eliezer, who said: One may not establish a *sukka* during the intermediate days of the Festival. Therefore, the requirement to build the *sukka* for the sake of the mitzva may be derived from this verse.

Ritual fringes made from thorns or from threads – ציצית: It is prohibited to fashion ritual fringes from strands of wool caught in thorns used to smooth the fabric, or from strands of wool detached from an animal or from the edges of a cloth, since using these strands is a display of contempt for the mitzva. This ruling is in accordance with the interpretation of the Gemara according to the *ge'onim* and the Rambam (*Shulhan Arukh, Orah Hayyim* 11:5).

Ritual fringes specifically for the sake of the mitzva – חובי: Ritual fringes must be spun specifically for the sake of the mitzva, in accordance with the opinion of Shmuel, as the Gemara rules in accordance with his opinion (*Shulhan Arukh, Orah Hayyim* 11:1).

NOTES

Thorns [*kotzin*], threads [*nimin*], and fringes [*geradin*] – הקוצין והנימין והגרדין: Several explanations were suggested for these terms. According to Rashi and the Rid, *kotzin* are warp threads that remain hanging on the loom after a patch of cloth is torn away and are retied and woven into the next patch of cloth. Some explain that they are parts of a weave that are torn when it is combed with special thorns used to smooth the cloth (Ritva).

According to the *ge'onim*, *nimin* are strands of thick hair, such as goat hair, which can be found mixed in the wool. The *ge'onim* interpret *geradin* as referring to threads scraped from the end of the weave in order to straighten it. According to the explanation of the *ge'onim*, it is prohibited to use these scraps for a mitzva due to the prohibition against treating mitzvot with contempt. This opinion is also cited in the *Shulhan Arukh*.

Others prohibit using these types of thread due to the principle: Prepare it, and not from that which has already been prepared, which requires one to perform a positive action in preparing the ritual fringes. Yet others prohibit their use due to the requirement that the threads must be prepared specifically for the sake of the mitzva (see *Arukh LaNer* and others).

LANGUAGE

Fringes [*geradin*] – גרדין: Apparently from the Greek *γέρδιος*, *gerdios*, meaning weaver. Several terms dealing with weaving and the loom are derived from this root.

HALAKHA

Sukka beneath a tree – סוכה תחת האילן: A *sukka* built beneath a tree whose shade exceeds its sunlight is unfit, in accordance with the mishna and the opinion of Rava (*Shulhan Arukh, Orah Hayyim* 626:1).

ובית הלל לית להו דרב יהודה אמר רב? דאמר רב יהודה אמר רב: עשאה מן הקוצין ומן הנימין ומן הגרדין – פסולה מן הסיסין – כשרה.

The Gemara proceeds to clarify Beit Hillel's opinion: **And do Beit Hillel not agree with the statement that Rav Yehuda said that Rav said? As Rav Yehuda said that Rav said: If one fashioned ritual fringes from hanging threads that remain protruding from the fabric like thorns after most of the superfluous threads were torn, and tied them into ritual fringes; or if he tied the fringes from threads^H that hang down after sewing; or if he tied them from the fringes [*geradin*]^{NL} that hang from the bottom of a garment, the ritual fringes are unfit for fulfilling the mitzva. However, if the ritual fringes were tied from balls of thread that were not spun for the sake of the mitzva, they are fit.**

כי אמריתיה קמיה דשמואל אמר לי: אף מן הסיסין נמי פסולה, (אלמא) דבעינן טויה לשמה. הכא נמי, נבעיא סוכה עשויה לשמה!

And Rav Yehuda related: **When I stated this halakha in the name of Rav before Shmuel, he said to me: Even ritual fringes tied from balls of thread are unfit, as we require the spinning of the thread to be for the sake of the mitzva.^H Just as the threads for the ritual fringes must be spun for the sake of the mitzva, here too, let us require a *sukka* established for the sake of the mitzva.**

שאני התם דאמר קרא: "גדילים תעשה לך", "לך" – לשם חובך. הכא נמי "חג הסוכות תעשה לך", "לך" – לשם חובך!

The Gemara answers: It is **different there, as the verse states: "You shall prepare for you fringes"** (Deuteronomy 22:12), from which it is derived: **"For you," for the sake of your obligation.** The fringes, from the beginning of their production, must be produced for the sake of the mitzva. The Gemara asks: **Here, too,** with regard to *sukka*, the verse says: **"You shall prepare for you the festival of Sukkot"** (Deuteronomy 16:13). Shouldn't it be derived: **"For you," for the sake of your obligation?**

הוא מיבעי ליה למעוטי גזולה. התם נמי מיבעי ליה למעוטי גזולה!

The Gemara answers that **this term "for you" is required to exclude use of a stolen *sukka*; establish the *sukka* for you, and do not use a *sukka* belonging to another.** The Gemara asks: **There, too,** with regard to ritual fringes, **isn't the term "for you" required to exclude use of stolen ritual fringes?**

התם פתיב קרא אחרינא: "ועשו להם" – משלהם.

The Gemara answers: **There, with regard to ritual fringes, another verse is written: "And they shall make for them ritual fringes"** (Numbers 15:38), from which it is derived: **"For them," of their own, to exclude the use of stolen ritual fringes.** Therefore from the term **"for you,"** it may be derived that ritual fringes must be produced for the sake of the mitzva.

Perek I
Daf 9 Amud b

מתני' העושה סוכתו תחת האילן – כאילו עשאה בתוך הבית. סוכה על גבי סוכה – העליונה כשרה והתחתונה פסולה. רבי יהודה אומר: אם אין דירין בעליונה – התחתונה כשרה.

MISHNA With regard to **one who establishes his *sukka* beneath a tree,^{HN} it is as though he established it inside the house^N and it is unfit.** If one established a *sukka* atop another *sukka*,^N **the upper *sukka* is fit and the lower *sukka* is unfit. Rabbi Yehuda says: If there are no residents in the upper *sukka*, the lower *sukka* is fit.**

NOTES

Sukka beneath a tree – סוכה תחת האילן: This case is interpreted differently by various commentaries and halakhic authorities (see *Me'iri* and others). According to Rabbeinu Tam, who cites the *ge'onim* and others, there is a distinction between a case where the *sukka* was built before the tree was planted, where the *sukka* is fit, and a case where the tree was there before the *sukka* was established, where the *sukka* is unfit.

As though he established it inside the house – כאילו עשאה בתוך הבית: The lack of fitness of a *sukka* inside a house is obvious to the *tanna* because the fundamental meaning of the verse is that one leaves his home to reside in a *sukka*. No additional

source is necessary to deem a *sukka* in a house unfit (*Sefat Emet*). Apparently, that is also the basis for deeming a *sukka* beneath a tree unfit, as that is not a *sukka* (*Arukh LaNer*; see *Penei Yehoshua*). Alternatively, that could have been derived by means of an *a fortiori* inference from the case of a *sukka* atop another *sukka*.

A sukka atop another *sukka* – סוכה על גבי סוכה: The difference between the case of a *sukka* beneath another *sukka* and that of a *sukka* beneath a tree is that in the former, the lower *sukka* is unfit only when there is a gap separating the two layers of roofing, while a *sukka* beneath a tree is unfit even when there is no gap between the roofing and the tree.

A *sukka* beneath a tree whose shade is minimal – סוכה תחת – סוכה תחת: If a *sukka* is established beneath a tree whose sunlight exceeds its shade, and the shade of the *sukka* is greater than its sunlight, some are of the opinion that it is fit and nothing further is required. However, if the sunlight of the *sukka* is greater than its shade, and it is only the shade provided by the tree that causes the shade in the *sukka* to exceed the sunlight, one must lower the branches of the tree and interweave them with the fit roofing of the *sukka* so that they will not be discernible (Rashi; *Tosafot*; *Tur*). Others say that even if the *sukka* is fit and its shade exceeds its sunlight, if the branches of the tree are directly above the fit roofing, they render the *sukka* unfit; however, if one interwove the branches of the tree into the roofing of the *sukka*, the *sukka* is fit. In addition, if the branches are not directly above the fit roofing, the *sukka* is fit (Rema). The *halakha* is in accordance with the latter, stricter ruling (*Peri Megadim*; *Shulḥan Arukh HaRav*; others), although in exigent circumstances one may rely on the lenient opinion (*Biur Halakha*; others; *Shulḥan Arukh, Oraḥ Ḥayyim* 626:1).

BACKGROUND

Gourd – דלעת: Also called the bottle gourd or *Lagenaria siceraria*, this is a leafy summer vegetable of the gourd family. Usually it grows extended on the ground, but at times it is trellised on trees. The gourd is trellised on branches and its fruits hang down. The greenish-white gourd produced by the plant is large, 40–50 cm long and 25–30 cm wide, and shaped like a jug or bottle. The young fruit is typically eaten cooked and its seeds are eaten as a dessert.



Bottle gourd

גמ' אָמַר רבָּא לֹא שָׁנוּ אֶלָּא בְּאֵילָן שְׁצִלְתּוֹ מְרֻבָּה מִחֻמְתּוֹ, אֲבָל חֻמְתּוֹ מְרֻבָּה מִצִּלְתּוֹ – בְּשֵׁרָה.

מִמָּאִי – מִדְּקִתְּנִי “בְּאֵילָן עֲשָׂאָה בְּתוֹךְ הַבַּיִת”. לָמָּה לִּי לְמִיתְּנִי “בְּאֵילָן עֲשָׂאָה בְּתוֹךְ הַבַּיִת”? לִיתְּנִי “פְּסוּלָה”! אֶלָּא הָא קָא מְשַׁמְעֵ לָן: דְּאֵילָן דְּיוֹמָא דְּבֵיתָ, מַה בֵּיתָ – צִלְתּוֹ מְרֻבָּה מִחֻמְתּוֹ, אֲף אֵילָן – צִלְתּוֹ מְרֻבָּה מִחֻמְתּוֹ.

וְכִי חֻמְתּוֹ מְרֻבָּה מִצִּלְתּוֹ מָאִי הוּוּ? הָא קָא מְצַטְרֵף סִכָּךְ פְּסוּל – בְּהַדְרֵי סִכָּךְ כְּשׁוֹר: אָמַר רַב פְּפָא: בְּשַׁחֲבָטָן.

אִי בְּשַׁחֲבָטָן, מָאִי לְמִימְרָא? מַהוּ דְּתִימָא: נִגְזוֹר הֵיכָא דְּחֻבְטָן אִטּוּ הֵיכָא דְּלֹא חֻבְטָן, קָא מְשַׁמְעֵ לָן דְּלֹא גְזָרִינָן.

הָא נִמְי תִּמְנָא: הַדְּלָה עֲלֶיהָ אֵת הַגָּפֶן וְאֵת הַדְּלָעַת וְאֵת הַקִּיסוּסִים, וְסִיכָךְ עַל גִּבְן – פְּסוּלָה. וְאִם הָיָה סִיבּוֹךְ הַרְבֵּה מִהֵן, אִו שְׁקִצְצָן – בְּשֵׁרָה.

הֵיכִי דְּמִי? אֵילִימָא בְּשֵׁלָא חֻבְטָן – הָא קָא מְצַטְרֵף סִכָּךְ פְּסוּל עִם סִכָּךְ כְּשׁוֹר, אֶלָּא לֹא – בְּשַׁחֲבָטָן, וְשָׁמַע מִינָהּ דְּלֹא גְזָרִינָן! מַהוּ דְּתִימָא: הִינֵי מִיָּלִי – בְּדִיעְבַד, אֲבָל לְכַתְּחִילָה לֹא, קָא מְשַׁמְעֵ לָן.

GEMARA Rava said: They taught this *halakha* that a *sukka* beneath a tree is unfit **only with regard to a tree whose shade is greater than its sunlight**, as the source of the shade in the *sukka* is the tree and not the roofing. However, if its sunlight is greater than its shade,⁴ the *sukka* is fit, as in that case the roofing provides the shade.

The Gemara asks: **From where** does Rava reach this conclusion? The Gemara answers: He learns this **from the fact that the mishna teaches: It is as though he established it inside the house. Why do I need the mishna to teach: It is as though he established it inside the house? Let the mishna teach simply: It is unfit. Rather, this is teaching us that in the context of this halakha, a tree is similar to a house; just as with regard to a house, its shade is greater than its sunlight, so too, with regard to a tree, it invalidates the *sukka* only if its shade is greater than its sunlight.**

The Gemara asks: **And even if the sunlight is greater than the shade of the tree, what of it?** Why does Rava deem the *sukka* beneath the tree fit in that case? **Isn't there unfit roofing, the uncut branches of the tree, joining together with the fit roofing on the *sukka*, rendering even the fit roofing on the *sukka* unfit? Rav Pappa said:** This is referring to a case **where one lowered the uncut branches⁵ and combined them with the fit roofing so that the branches still attached to the tree are inconspicuous.** Given that the majority of the roofing is fit, the roofing in its entirety is fit.

The Gemara asks: **If it is a case where he lowered them, what is the purpose of stating this halakha?** Isn't it self-evident? The Gemara answers that it is necessary **lest you say: Let us issue a decree and deem the roofing unfit in a case where one lowered them due to a case where one did not lower them.** Therefore, it teaches us that we do not issue such a decree.

The Gemara asks: **That halakha, too, we already learned in a mishna: If one trellised the grapevine, the gourd,⁶ or the ivy, climbing plants, over a *sukka* while they are still attached to the ground, and he then added roofing atop them, the *sukka* is unfit, as roofing attached to the ground is unfit. If the amount of fit roofing was greater than the plants attached to the ground, or if he cut the climbing plants so that they were no longer attached to the ground, it is fit.**

The Gemara clarifies the details of the mishna: **What are the circumstances? If we say that it is referring to a case where he did not lower the climbing plants and combine them with the fit roofing, doesn't the unfit roofing join together with the fit roofing⁷ on the *sukka*, rendering even the fit roofing on the *sukka* unfit? Rather, isn't the mishna referring to a case where he lowered them, and conclude from this mishna that we do not issue a decree in a case where he lowered the branches due to a case where he did not lower the branches.** Rava's statement is therefore unnecessary. The Gemara answers: **Lest you say that this applies only after the fact, i.e., that if one already lowered the uncut branches or plants it is not unfit, but one may not do so ab initio; therefore, Rava teaches us that one may place roofing in this manner even ab initio.**

NOTES

בְּשַׁחֲבָטָן – [*beshehavatan*]: Where one lowered the branches. There are several explanations of the verb *havat* in this context. Some say it means that one lowered the branches of the tree and interwove them with the roofing atop the *sukka* (Rashi; most halakhic authorities). Others explain that it means that he removed leaves from the tree until there were so few left that they did not provide shade (*ge'onim*; Rabbi Zerahya Ha-Levi; *Or Zarua*; others). Another opinion is that it means that he cut the branches but did not move the roofing after he cut it (Rambam). Some explain that this last method is effective

only if one placed the branches separate from the fit roofing (*Maggid Mishne*; others). And some say it means that he cut the branches almost completely off the tree, and they were attached by a thread (*Piskei Rid*; others).
הָא קָא מְצַטְרֵף סִכָּךְ פְּסוּל – The Ra'avad explains that the concern is that the unfit roofing may cover an area of four by four handbreadths, thereby rendering the entire *sukka* unfit.



Two sukkot stacked one atop the other

”סוכה על גבי סוכה” וכו’. תנו רבנן: (”בסוכות תשבּו” – ולא בסוכה שתחת הסוכה, ולא בסוכה שתחת האילן, ולא בסוכה שבתוך הבית.

אדרבה, ”בסוכות תרתי משמע! אמר רב נחמן בר יצחק: ”בפסכת” כתיב.

אמר רבי ירמיה: פעמים ששתייהן כשירות, פעמים ששתייהן פסולות, פעמים שתחתונה כשרה והעליונה פסולה, פעמים שתחתונה פסולה והעליונה כשרה.

פעמים ששתייהן כשירות, היכי דמי – כגון שתחתונה חמטה מרובה מצלתה, והעליונה צלתה מרובה מחמתה, וקיימא עליונה בתוך עשרים.

פעמים ששתייהן פסולות, היכי דמי – כגון דתרווייהו צלתן מרובה מחמתן, וקיימא עליונה למעלה מעשרים אמה.

פעמים שתחתונה כשרה והעליונה פסולה,

§ The mishna continues: If one established a *sukka* atop another *sukka*, the upper *sukka* is fit and the lower *sukka* is unfit. The Sages taught in a *baraita* that the verse states: “**In sukkot shall you reside**” (Leviticus 23:42),ⁿ and not in a *sukka* that is beneath another *sukka*,^b and not in a *sukka* that is inside a house.

The Gemara questions that derivation. On the contrary, the term “*in sukkot*,” which is written in the plural, indicates two. The conclusion should be that one sitting inside a *sukka* beneath a *sukka* fulfills the mitzva. Rav Nahman bar Yitzhak said: Although the term is vocalized in the plural, *basukkot* is written without the *vav*, indicating a single *sukka*.

Rabbi Yirmeya said: There are times when both of the *sukkot* one atop the other are fit;^h there are times when both of the *sukkot* are unfit;^h there are times when the lower *sukka* is fit and the upper *sukka* is unfit; and there are times when the lower *sukka* is unfit and the upper *sukka* is fit.

The Gemara elaborates: There are times when both of the *sukkot* one atop the other are fit. What are the circumstances? It is in a case where in the lower *sukka* its sunlight is greater than its shade, rendering the *sukka* unfit, and in the upper *sukka* its shade is greater than its sunlight, rendering the *sukka* fit. And the roofing of the upper *sukka* is within twenty cubits of the ground. In that case, the roofing of the upper *sukka* is effective for both the upper *sukka* and the lower one.

There are times when both of the *sukkot* are unfit. What are the circumstances? It is in a case where in both *sukkot*, their shade is greater than their sunlight, but the upper one is more than twenty cubits above the roofing of the lower *sukka*, rendering it unfit. Since the roofing of the upper *sukka* is unfit, and it casts shade over the lower *sukka*, the lower *sukka* is also unfit.

There are times when the lower *sukka* is fit and the upper *sukka* is unfit.

NOTES

In *sukkot* shall you reside – בפסכת תשבּו – Some ask: How can the *baraita* derive the *halakha* of a *sukka* under a *sukka* from this verse when various *halakhot* concerning the walls of a *sukka* were already derived from that same verse (*Rishon LeTziyyon*)? Some explain that although both *halakhot* are derived from

the same verse, there is more written in these verses than just the source for the number of walls. Alternatively, both matters can be derived from the same verse as both matters are part of the fundamental definition of a *sukka* (*Rishon LeTziyyon*, *Arukh LaNer*, and others).

HALAKHA

סוכה תחת – סוכה תחת: If one built a *sukka* beneath another *sukka*, and the shade in the upper *sukka* exceeds its sunlight, while the shade of the lower *sukka* is less than its sunlight, and the height of the roofing of the upper *sukka* is no more than twenty cubits from the ground, and there are at least ten handbreadths between the roofing of the upper *sukka* and that of the lower *sukka*, they are both fit, in accordance with the opinion of Rabbi

Yirmeya (see *Shulhan Arukh, Oraḥ Ḥayyim* 628:1 and *Biur Halakha* there).

סוכה – סוכה תחת סוכה ושתייהן פסולות: If the shade in both *sukkot* exceeds the sunlight, and the roofing of the upper *sukka* is more than twenty cubits high, and there are at least ten handbreadths between the roofing of the two *sukkot*, they are both unfit (*Shulhan Arukh, Oraḥ Ḥayyim* 628:1 and *Biur Halakha* there).