

The Law Is Designed to be Followed: Legalisms of the Sukkah

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I. Building a Sukkah under a Tree

1. Shulkhan Arukh, Orah Hayyim, 626:1

<p><i>It is inappropriate to build a sukkah under a roof or tree. When one builds a sukkah under a tree, some say that if the tree has more shade than sun, the sukkah is automatically invalid, even if the sukkah itself has more shade than sun. But if the tree allows more sun than shade, if the sukkah is itself has more shade than sun without the tree, it is valid (kosher).</i></p>	<p>נאין לעשות סוכה תחת בית או לילין. והעושה סוכתו תחת האילן י"א שאם האילן צלחה מרובה מחמתו פסולה בכל ענין אף אם הסוכה צלחה מרובה מחמת' אבל אם האילן חמתו מרובה מצלתו אם הסוכה צלחה מרובה מחמתה בלא אילן כשרה.</p>
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2. Babylonian Talmud Sukkah 9b

<p>MISHNA: If one who establishes his <i>sukkah</i> beneath a tree, it is as though he established it inside the house. ... GEMARA: <u>Rava</u> said: This rule only applies for a tree whose shade is greater than its sunlight. However, if its sunlight is greater than its shade, the <i>sukkah</i> is valid. From where does <u>Rava</u> reach this conclusion? From the fact that the mishna teaches: "It is as though he established it inside the house." Why teach: "It is as though he established it inside the house?" Let it say: "It is unfit." It is teaching us that 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 <i>sukkah</i> only if its shade is greater than its sunlight.</p>	<p>מתני' העושה סוכתו פתח האילן — כאילו עשאה בתוך הבית. ... גמ' אמר רבא: לא שנו אלא באילן שצלחת מרובה מחמתו, אבל חמתו מרובה מצלתו — קשרה. ממאי — מדקתני: "כאילו עשאה בתוך הבית": למה לי למיתני "כאילו עשאה בתוך הבית"? ליתני "פסולה"! אלא, הא קא משמע לן דאילן דומיא דבית: מה בית צלתו מרובה מחמתו — אף אילן צלתו מרובה מחמתו.</p>
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II. Dofen Akuma, Curved Wall

3. Babylonian Talmud Sukkah 17a

<p>Mishnah. ...If the roof of a house was breached and one placed <i>sekhakh</i> over the breach — if there are more than 4 cubits from the wall of the house to the <i>sekhakh</i>, it is invalid. Gemara. ...As Rav and Shmuel both taught: The Mishnah is touching on the concept of "curved wall" (<i>dofen akumah</i>).</p>	<p>מתני' ... בית שגפחת וסיכך על גביו — אם יש מן הפותל לסיכך ארבע אמות, פסולה. גמ' ... דרב ושמואל אמרי פרוניהו: משום דופן עקומה נגעו בה.</p>
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4. Shulkhan Arukh, Orah Hayyim 632:1

<p>An invalid covering does not invalidate the <i>sukkah</i> unless it is more than 4 cubits from the wall. Less than 4 cubits from the wall, we use the principle of the curved wall - i.e. we imagine that the wall is curved and that invalid covering is considered part of the wall. This idea is <i>halakha l'moshe mi-sinai</i>. Therefore, if you cut a hole in the middle of a house and put <i>skhakh</i> on the open area, if there is a space less than 4 cubits from the valid <i>skhakh</i> to the walls, the <i>sukkah</i> is valid.</p>	<p>סכך פסול ... מן הצד אינו פוסל אלא בד"א אבל פחות מד"א כשרה דאמרין דופן עקומה דהיינו לומר שאנו רואים כאלו הכותל נעקם ויחשב זה הסכך הפסול מגוף הכותל ודבר זה הל"מ הילכך בית שנפחת באמצע וסיכך במקום הפחת ונשאר מן התקרה סביב בין סכך כשר לכותלים פחות מד' אמות כשרה.</p>
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III. *Lavud* – Joining Open Spaces in the Wall

5. Babylonian Talmud Sukkah 16b

<p>Rav Hisda said that Avimi said: A mat that is four handbreadths and a bit wide can be used as a wall. How is this done? If one suspends it in the middle of a space ten handbreadths high, with less than three handbreadths below it and less than three handbreadths above it, we consider them joined (<i>lavud</i>).</p>	<p>אמר רב חסדא אמר אבימי: מחצלת ארבעה ומשהו — מתרת בסוכה משום דופן. היכי עביד? תלי ליה באמצע, פחות משלשה למטה ופחות משלשה למעלה, וקל פחות משלשה קלבוד דמי.</p>
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6. Shulkhan Arukh, Orah Hayyim 630:9

<p>If its walls are taller than seven handbreadths and a bit and they are erected less than three handbreadths from the ground, it is valid even if the roof is much higher, as long as they are directly under it. Even if they are not precisely under it, as long as they are within three handbreadths it is kosher. If the roof is only ten handbreadths high, even if the wall is only four and two bits tall, it is valid when it is placed in the middle. We extend above and below, and it is considered closed (<i>lavud</i>). If the walls are more than three handbreadths above the ground, it is invalid.</p>	<p>היו דפנותיה גבוהים שבעה ומשהו והעמידים בפחות משלשה סמוך לארץ כשרה אפי' הגג גבוה הרבה ובלבד שיהא מכון כנגדן ואפי' אין מכון ממש רק שהוא בתוך שלשה כנגדו כשרה ואם אינה גבוה אלא י' טפחים אפילו אין בדופן אלא ארבע ושני משהוין כשרה שמעמידה באמצע ואמרינן לבד למעלה ולמטה וחשוב כסתום היו הדפנות גבוהות מן הארץ שלשה טפחים פסולה:</p>
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IV. How Long Must You Sit in the Rain?

7. Babylonian Talmud 28b-29a

<p>MISHNA: All seven days, a person renders his <i>sukka</i> permanent and his house temporary. If rain fell, from when is it permitted to vacate the <i>sukka</i>? From the point that a congealed dish will spoil. The Sages told a parable: To what is this matter comparable? It is comparable to a servant who comes to pour wine for his master, and he pours a jug [<i>kiton</i>] of water in his face. Gemara: <u>Abaye</u> was sitting with <u>Rav Yosef</u> in the <i>sukka</i>. The wind blew and brought splinters that fell onto the food. <u>Rav Yosef</u> said to him: Vacate my vessels from here, and I will eat in the house. <u>Abaye</u> said to him: Didn't we learn "until the congealed dish will spoil?" He answered him: For me, since I am delicate, it is as if the congealed dish will spoil.</p>	<p>מתני' כל שבעת הימים אדם עושה סוכתו קבע, וביתו עראי. ירדו גשמים, מאימתי מותר לפנות — משתסרח המקפה. משלו משל למה הדבר דומה — לעבד שפא למזוג בוס לרבו, וישפך לו קיתון על פניו. גמ' אביי הוה קא יתיב קמיה דרב יוסף במקטלתא, נשב זיקא וקא מייתי ציבונתא. אמר להו רב יוסף: פנו לי מאני מהכא. אמר ליה אביי, וקא תנו: משתסרח המקפה! אמר ליה: לדידי, פיון דאבינא דעמתי — כמי שתסרח המקפה דמי לי.</p>
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8. Shulkhkan Arukh, Orah Hayyim 639:5

<p>If rain falls, a person should go into his house. From when is it permissible to leave the <i>sukkah</i>? From when enough rain fell that if it were to fall into a cooked dish, it would ruin it; even if it is a dish of beans. <i>Gloss:</i> Even if there is no food out. ... And one who is not an expert on the measurement should calculate: if this much rain fell into my house, would I leave my house? It should be the same for the <i>sukkah</i>. ... All of this applies to the remaining days of <i>Sukkot</i>. But on the first night, a person needs to eat an olive-size amount in the <i>sukkah</i> even if it is raining. ... And one should make <i>kiddush</i> in the <i>sukkah</i> in order to recite <i>Shehecheyanu</i> in the <i>sukkah</i>. ...</p>	<p>ירדו גשמים הרי זה נכנס לתוך הבית מאימתי מותר לפנות משירדו לתוך הסוכה טפות שאם יפלו לתוך התבשיל יפסל אפילו תבשיל של פול. הגה ואפי' אין תבשיל לפניו [סמ"ג והגהות אשירי] ומי שאינו בקי בזה השיעור ישער אם ירדו כל כך גשמים לבית אם היה יולא יולא מסוכתו ג"כ [א"י והגהת אשירי פרח הישן ומרכי פ"ב מיימוני פ"ז ומרה"ל] וכל זה דוקא בשאר ימים או לילות של סוכות אבל לילה הראשונה צריך לאכול כזית בסוכה אף אם גשמים יורדין [טור ור"ן והרא"ש] ויקלש בסוכה [כדלי] שיאמר זמן על הסוכה [ת"ה סימן כ"ה]:</p>
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Rules of the Sukkah (According to Dr Seuss)

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You can build it very small (1) You can build it very tall (2)	Build your Sukkah tall or short No Sukkah is built in the Temple Court	You can invite some special guests Don't stay in it if there are pests
You can build it very large (3) You can build it on a barge	You can build it somewhat soon You can't build it in the month of June (12)	You can sleep upon some rugs Don't you build it where there's bugs
You can build it on a ship (4) Or on a roof but please don't slip (5)	If your Sukkah is well made You'll have the right amount of shade (13)	In the Sukkah you should sit And eat and drink but never...
You can build it in an alley (6) You shouldn't build it in a valley (7)	You can build it very wide You can not build it on its side	If in the Sukkah it should rain To stay there would be such a pain (16)
You can build it on a wagon (8) You can build it on a dragon (9)	Build if your name is Jim Or Bob or Sam or even Tim	And if it should be very cold Stay there only if you're bold
You can make the skakh of wood (10) Would you, could you, yes you should	Build it if your name is Sue (14) Do you build it, yes you do!	So build a Sukkah one and all Make it large or make it small
Make the skakh from leaves of tree You shouldn't bend it at the knee (11)	From the Sukkah you can roam But you should treat it as your home (15)	Sukkah rules are short and snappy Enjoy Sukkot, rejoice be happy.

Notes

1 Maimonides (RMBM) Mishne Torah, Hilchot Sukkah, Chapter 4, Section 1. The minimum height of a Sukkah is 10 tepachim. A tepach is a measure of the width of the four fingers of one's hand. My hand is 3 1/4 inches wide for a minimum Sukkah height of 32 1/2 inches. The minimum allowable width is 7 tepachim by 7 tepachim. This would result in a Sukkah of 22 3/4 inches by 22 3/4 inches.

2 The maximum height is 20 Amot. An Amah is the length from the elbow to the tip of the middle finger. My Amah is 15 1/2 inches for a maximum height of 25 feet. Others say that 30 feet is the maximum.

3 According to RMBM the Sukkah can be built to a width of several miles. Shulchan Aruch also says there is no limit on the size of the width.

4 RMBM Hilchot Sukkah Chapter 4, Section 6.

5 RMBM Hilchot Sukkah Chapter 4, Section 11. RMBM states that one may construct a Sukkah by wedging poles in the four corners of the roof and suspending scakh from the poles. The walls of the building underneath are considered to reach upward to the edge of the scakh.

6 RMBM Hilchot Sukkah Chapter 4, Section 8-10 discusses the ins and outs of building your Sukkah in an alley or passageway.

7 There is a location referred to in the Talmud called Ashtarot Karnayim. According to the discussion there are two hills, with a valley in between where the Sun does not reach. Therefore it is impossible to sit in the shade of the roof of the Sukkah. I can't find the reference...hopefully next year.

8 RMBM Hilchot Sukkah Chapter 4, Section 6. You can go into a Sukkah built on a wagon or a ship even on Yom Tov.

9 RMBM Hilchot Sukkah Chapter 4, Section 6. OK, RMBM says a camel but dragon rhymes with wagon a lot better, don't you agree. Anyway, RMBM says you can build your Sukkah on a wagon or in the crown of a tree, but you can't go into it on Yom Tov. There is a general rule against riding a beast or ascending into the crown of a tree on Yom Tov.

10 Chapter 5 deals with the rules for the scakh. Basically, you can use that which has grown from the ground, and is completely detached from the ground. So, for example, you cannot bend the branches of a tree over the Sukkah to form the scakh. But you can cut the branches from a tree and use them as scakh.

11 This would be a violation of the rule cited in the prior footnote.

12 Shulchan Aruch, Hilchot Sukkah, Perek 636, Section 1 The Sukkah should not be built sooner than 30 days before the Hag. However, if the structure is built prior to 30 days, as long as something new is added within the 30 days, the Sukkah is kosher.

13 Of course it's a well known rule that you must sit in the shade from the roof of the Sukkah and not in the shade that may be cast by the walls. It seems that this might affect the height of the walls, depending on the longitude of the location where you are building your Sukkah.

14 Traditionally, women, servants and minors are patur from the Mitzvah of Sukkah. In our day we hope we know better than to read out half the Jewish people from the observance of Mitzvot. Of course, that's just a personal opinion of the author.

15 MBM ibid Chapter 6, Section 6 explains that you should eat, drink and live in the Sukkah for the 7 days as you live in your own home. One should not even take a nap outside of the Sukkah.

16 RMBM ibid, Section 10 If it rains one should go into the house. How does one know if it is raining hard enough? If sufficient raindrops fall through the scakh and into the food so that the food is spoiled - go inside!