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Sukkah Daf 9

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Daf Notes is currently being dedicated to the neshamah of

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MISHNAH: Beis Shammai declare an old Sukkah invalid, but Beis Hillel pronounce it valid. What is an old Sukkah? One made thirty days before the festival; but if one made it for the purpose of the festival, even at the beginning of the year, it is valid. (9a1)

GEMARA: What is Beis Shammai's reason? - Scripture says: The Festival of Sukkos, for seven days, unto Hashem, [implying therefore] a Sukkah made expressly for the sake of the Festival. And Beis Hillel? - They need that [verse] for the same teaching as that of Rav Sheishes, for Rav Sheishes said in the name of Rabbi Akiva: From where do we know that the wood of the Sukkah is prohibited for benefit all the seven [days of the Festival]? The Torah states: The Festival of Sukkos, seven days unto Hashem; and it was taught: Rabbi Yehudah ben Beseirah said: Just as the Heavenly Name¹ rests upon the Chagigah offering,² so does it rest upon the Sukkah, since it is said: The Festival of Sukkos, seven days unto Hashem: just as the Chagigah [offering] is 'to Hashem', so is the Sukkah also 'to Hashem'. And Beis Shammai also, don't they need the verse for this teaching? - Yes, indeed. What then is Beis Shammai's reason? - There is another Scriptural verse: You shall make the Festival of Sukkos for seven days. This implies a Sukkah made expressly for the sake of the Festival. And Beis Hillel? - They need this [verse for the teaching] that a Sukkah may be made during Chol Hamoed. And Beis Shammai? — They hold the same opinion as Rabbi Eliezer, who said that no Sukkah may be made during Chol Hamoed. (9a1 – 9a2)

¹ Sanctification.

² To render it forbidden before its prescribed portions have been burnt on the Altar.

³ Since they were not attached to the garment as tzitzis, but merely evolved onto the corner of the garment on their own.

And do Beis Hillel not agree with that which Rav Yehudah said in the name of Rav, for Rav Yehudah said in the name of Rav: If a man made [tzitzis] from thornlike threads, or from embroidery threads, or from fringes they are invalid;³ but if he made them from balls of thread, they are valid.⁴ When I repeated this in the presence of Shmuel, he said to me: Even if they were made from balls of thread, they are also not valid, because it is necessary that the spinning shall be done specifically for its purpose [i.e., the sake of the mitzvah]. Here Too, then, we should require a Sukkah to be made specifically for its purpose? — [Tzitzis are] different, since Scripture says: You shall make for yourself twisted cords: 'for yourself' [means] for the specific purpose of your obligation. But here also [Scripture says]: 'The Festival of Sukkos you shall make for yourself', 'for yourself' meaning for the specific purpose of your obligation? That [phrase] is needed to exclude a stolen [Sukkah]. But there as well it is needed to exclude stolen [tzitzis]? — In that case there is another verse, [that serves the purpose]: And they shall make 'for themselves' i.e., belonging to them. (9a2)

MISHNAH: If one made his Sukkah under a tree, it is as if he made it within the house. If one Sukkah is built above another, the upper one is valid but the lower is invalid. Rabbi Yehudah said: if there are no occupants In the upper one, the lower one is valid. (9b1)

⁴ Since their attachment to the garment was made for the purpose of the tzitzis.; the fact that the spinning of the wool was not for the sake of the mitzvah is immaterial, as that is not an integral part of the mitzvah.

GEMARA: Rava said: [Our Mishnah] was taught only in respect of a tree whose shade is greater than the sun [shining through its branches] but if the sun is more than its shade, it is valid. From where [do we know this]? Since it states: It is as if he made it within the house. Now for what purpose does it state 'it is as if he made it within the house'? Let it simply state 'it is invalid'? But the fact is that he taught us this, that the tree⁵ [referred to is] like a house: just as in a house the shade is more than the sunshine, so the tree has more shade than sunshine. - But even where the sun is more than the shade, what is the advantage, seeing that all invalid *s'chach* is joined to valid *s'chach*?⁶ — Rav Pappa answered: [This is a case] where [the branches of the tree] were interwoven.⁷ If the branches were interwoven, why mention the case at all? — One might have thought that it should be prohibited where it is interwoven as a preventive measure against the possibility of regarding it as valid even where it was not interwoven [therefore the Mishnah] informs us that no such preventive measure has been enacted. Have we not learnt this as well: If a man lifted upon it [a Sukkah] grapevine, or a gourd, or ivy, and he covered [it with a valid *s'chach*], it is invalid.⁸ But if the valid *s'chach* exceeded these in quantity, or if one cut them,⁹ it is valid. - Now to what case does this refer? Shall I say where he did not interweave them,¹⁰ then obviously the invalid *s'chach* combines to the valid one?¹¹ Must it not then refer to a case where one did interweave them; and hence it may be inferred that no preventive measure was in such a case deemed necessary?¹² — One might have presumed that [this is permissible] only after the

fact, but not initially, hence we were informed [that even initially it is permissible].¹³ (9b1 – 9b2)

The Mishnah had stated: If one Sukkah is built above another, etc. Our Rabbis taught: *You shall dwell in Sukkos*, but not in a Sukkah under another Sukkah, nor in a Sukkah under a tree, nor in a Sukkah within the house. On the contrary! Doesn't the word Sukkah imply two? — Rav Nachman bar Yitzchak answered: The word is written defectively.¹⁴ (9b2)

Rabbi Yirmiyah said: Sometimes both are valid, sometimes both invalid, sometimes the lower one is valid and the upper invalid, and sometimes the lower one is invalid and the upper one valid. 'Sometimes both are valid'. In what circumstances? When in the lower one the sun is more than the shade,¹⁵ and in the upper the shade is more than the sun, and the upper one is within twenty [cubits from the ground].¹⁶ 'Sometimes both are invalid'. In what circumstances? When in both of them the shade is more than the sun, and the upper one is more than twenty cubits [high].¹⁷ 'Sometimes the lower one is valid and the upper invalid'. In what circumstances? When the lower one has more shade than sun, and the upper one more sun than shade,¹⁸ and both are within twenty cubits [from the ground].¹⁹ 'And sometimes the upper one is valid and the lower invalid'. In what circumstances? When in both of them the shade is more than the sun, and the upper one is within

⁵ Which renders a Sukkah under it invalid.

⁶ The *s'chach* of a Sukkah must be made of plants that are detached from the ground. Growing ones are invalid. The presence of the invalid *s'chach* of the tree should, therefore, invalidate the Sukkah.

⁷ Lit., 'he pressed them down'. The branches of the tree were pressed down and interwoven with the valid *s'chach*, and, since the former are less in quantity than the latter, the Sukkah is valid.

⁸ Because, as we said previously, plants attached to the ground cannot be used for *s'chach*.

⁹ And thus detached them from the growing tree.

¹⁰ The invalid with the valid material.

¹¹ As the branches overhanging the Sukkah invalidate the pieces of *s'chach* directly underneath them.

¹² And the question re-arises: Why should the same law be repeated here?

¹³ Provided the two materials were interwoven.

¹⁴ Without a 'vav.'

¹⁵ Its *s'chach* can, therefore, be disregarded.

¹⁶ The *s'chach* of the upper one is thus valid for both, since they are regarded as one Sukkah.

¹⁷ I.e., from the roof of the lower one. The lower one is invalid since it is a Sukkah under a Sukkah, and the upper one is similarly invalid since it is more than twenty cubits high.

¹⁸ And thus its *s'chach* which is an invalid one cannot invalidate the lower Sukkah.

¹⁹ If the roof of the upper Sukkah, however, was above twenty cubits from the ground its invalid material (since all Sukkah roofs above twenty cubits height are invalid) would be deemed to be joined to the roof of the lower Sukkah and to render it invalid in consequence.

twenty cubits.²⁰ [But isn't all this] self-evident? — The statement of the case of the 'lower one valid and the upper one invalid' was necessary. As it might have been thought that [the lower Sukkah] would be prohibited as a preventive measure lest one also joins an invalid *s'chach* to a valid *s'chach*, therefore it teaches us [that it is valid]. (9b2 – 10a1)

INSIGHTS TO THE DAF

Sticking Out the Rain

The Gemara states that it is forbidden to derive any benefit from the *s'chach* and from the Sukkah walls. This ruling is derived from the verse that states *the festival of Sukkos, for seven days, unto HaShem*.

The *Oneg Yom Tov* poses a query based on this ruling. The Rema rules that one who remains in a Sukkah when it is raining is referred to as a *hedyot*, literally, a commoner. The *Oneg Yom Tov* wonders why the Rema does not rule that in such a situation it is forbidden to remain in the Sukkah, as one who sits in a Sukkah while it is raining is certainly not fulfilling the mitzvah of dwelling in a Sukkah. Thus, he is unlawfully benefiting from the Sukkah, which is forbidden. (When one covers the Sukkah with a plastic to protect the Sukkah from rain and then he sits underneath the covering, he is not violating a prohibition, because the covering renders the Sukkah invalid.)

The Ran rules that the prohibition to derive pleasure from a Sukkah was only said regarding the walls which are required for the Sukkah to be valid. The rest of the Sukkah, however, is deemed to be extra and one would therefore be permitted to sit in the portion of the Sukkah that is deemed to be extra. The Ran concludes, however, that if one were to build the Sukkah without interruption, one would be forbidden to derive pleasure from the entire Sukkah.

The Gemara in Yoma 69 states that the Kohanim were permitted to derive benefit from their clothing in the Bais

Mikdash even at a time that they were not performing the avodah of the Bais HaMikdash.

The Gemara in Kiddushin states that the reason this was allowed was because the Torah was not given to the ministering angels and we cannot expect that the Kohanim will remove their clothing as soon as they completed the avodah.

The *Oneg Yom Tov* thus concludes, based on the aforementioned Gemara in Kiddushin, that one can derive benefit from the Sukkah when it is raining, because the Torah was not given to the ministering angels. We therefore do not expect that one should exit the Sukkah the moment it begins to rain, and for this reason one can remain in the Sukkah even while it is raining.

Forbidden Walls

The Ran rules that the prohibition to derive pleasure from a Sukkah was only said regarding the walls which are required for the Sukkah to be valid. The rest of the Sukkah, however, is deemed to be extra, and one would therefore be permitted to sit in the portion of the Sukkah that is deemed to be extra.

The Ran concludes, however, that if one were to build the Sukkah without interruption, one would be forbidden to derive pleasure from the entire Sukkah. Tosfos, however, maintains that one is only rabbinically forbidden to derive benefit from the materials of the Sukkah that are not required to validate the Sukkah.

The *Aruch LaNer* questions the rationale of Tosfos, as one is not prohibited from deriving benefit from the Sukkah prior to the onset of the festival. The prohibition only comes into effect when the festival commences and one is then obligated to dwell in the Sukkah. Since the Sukkah has been built, there would seem to be no difference between the walls that were built initially and materials of the Sukkah that were built later.

²⁰ Of the roof of the lower one. Being a valid Sukkah it invalidates the lower one on the ground of the latter's being a Sukkah under a Sukkah.



Intentionally Nullifying a Prohibition

The Gemara states that if one placed *s'chach* that is invalid for use on a Sukkah, such as branches that are still connected to the ground, the Sukkah can still be valid. This can be effected if he places valid *s'chach* on the Sukkah and there is more valid *s'chach* than invalid *s'chach*. The valid *s'chach* will thus nullify the invalid *s'chach*.

The Taz to Orach Chaim 626 wonders how one can nullify the invalid *s'chach* by placing more valid *s'chach*, as there is a principle of *ain mevatlin issur l'chatchila*, one cannot nullify a prohibited matter outright. For example, one cannot place kosher food items into a pot that contains forbidden food items, thus attempting to nullify the prohibited food.

The first answer that the Taz offers is that prior to the onset of the festival there is no prohibition in effect, as one is not obligated to dwell in a Sukkah until the festival commences. For this reason one would be able to validate the *s'chach* and he is not deemed to have nullified a prohibition outright.

The Taz follows his reasoning with regard to nullifying *chametz* prior to Pesach.

Alternatively, the Taz suggests that the principle of *ain mevatlin issur l'chatchila*, that one cannot nullify a prohibited matter outright, is only a rabbinical restriction that was instituted so that one would not derive benefit from his nullification of the prohibited matter. Regarding the mitzvah of Sukkah, however, one does not actually derive benefit from dwelling in a Sukkah, as there is a principle that *mitzvos lav leihanos nitnu*, the commandments were not given to derive benefit from. Thus, one is not deriving benefit from the validated *s'chach*.

DAILY MASHAL

An Old Sukkah Renewed

The Mishnah states that there is a debate whether an old Sukkah, i.e. a Sukkah that was built more than thirty days before the festival, is valid or not.

Regarding mitzvos we find in many instances that the Torah exhorts us to treat the mitzvos as new and fresh ideas. One should not view mitzvos as antiquated, and one should certainly not perform the mitzvos by rote.

The Gemara in Nedarim teaches us that the Bais HaMikdash was destroyed and the Jewish People were exiled from Eretz Yisroel because of their lack of enthusiasm with regard to mitzvah performance. When one builds a Sukkah, he should have in mind that by building the Sukkah, he will have the opportunity to dwell in the Sukkah for seven days as HaShem commanded. With this thought in mind he will have built a "new" Sukkah and his mitzvah performance will be enhanced.