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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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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. There is a debate in the *Mishna* regarding a Sukkah that was made more than thirty days prior to Sukkos and was constructed with a specific intention to be used for Sukkos. Bais Shammai maintains that the Sukkah is invalid because it was not made for the sake of the mitzvah whereas Bais Hillel maintains that the Sukkah is valid. (9a1)
2. There is a debate regarding what is derived from the verse that states *the festival of Sukkos, for seven days, unto HaShem*. Bais Shammai maintains that we derive from this verse that a Sukkah must be constructed for the sake of the mitzvah and Bais Hillel maintains that just like the Heavenly Name attaches itself upon a Chagigah offering, so too the Heavenly Name attaches itself upon a Sukkah. Bais Hillel derives this from the fact that it is said *the festival of Sukkos, for seven days, unto HaShem*. The juxtaposition of the word *chag*, which alludes to the *Chagigah* sacrifice, to the word *haSukkos*, which means the Sukkah, teaches us that just like the *Chagigah* is sanctified to HaShem and one cannot benefit from the *Chagigah*, so too the Sukkah is sanctified to HaShem and one cannot derive benefit from the Sukkah. (9a1)
3. Bais Hillel maintains that one can build a Sukkah on Chol HaMoed and Bais Shammai maintains that one cannot build a Sukkah on Chol HaMoed. (9a1-9a2)
4. Bais Hillel maintains that a Sukkah does not have to be made for the sake of the mitzvah because the Torah does not state such a requirement. Regarding the making of *tzitzis*, however, it is said *you shall make for yourself twisted cords*, and this teaches us that the *tzitzis* must be made for the sake of the mitzvah. The verse regarding making a Sukkah that states *the festival of Sukkos you should make for yourself* teaches us that one cannot fulfill his obligation of making a Sukkah with stolen materials. (9a2)
5. The Mishnah states that a Sukkah built under a tree is invalid. If one builds one Sukkah on top of another Sukkah, the Chachamim maintains that the upper Sukkah is valid and the lower Sukkah is invalid, whereas Rabbi Yehudah maintains

that if there are no tenants in the upper Sukkah, the lower one is valid. (9b1)

6. Rava states that the ruling of the Mishnah that building a Sukkah under a tree is invalid is only when the shade of the tree is greater than its sunlight. When the sunlight of the tree is greater than its shade, the Sukkah will be valid when he lowers the tree branches and intermingles them with the valid *s'chach*. The invalid *s'chach* is thus nullified and we deem the Sukkah to be entirely covered with valid *s'chach*. (9b1)
7. Rabbi Yirmiyah maintains there is a situation regarding a Sukkah on top of another Sukkah when both are valid. There is a situation where both Sukkahs are invalid. There is a situation where the lower Sukkah is valid and the upper Sukkah is invalid. There is also a situation where the lower Sukkah is invalid and the upper Sukkah is valid. (9b2)
8. He explains the circumstances: They are both valid when in the lower one the sun is more than the shade, and in the upper the shade is more than the sun, and the *s'chach* of the upper one is within twenty cubits from the ground.

They are both invalid in the following case: When in both of them the shade is more than the sun, and the upper one is more than twenty cubits high (from its own floor).

Sometimes the lower one is valid and the upper invalid in a circumstance where the lower one has more shade than sun, and the upper one has more sun than shade, and both are within twenty cubits (from the ground).

And the case where the upper one is valid and the lower is invalid would be where in both of them the shade is more than the sun, and the upper one is within twenty cubits from its own floor).

The *Gemora* explains the novelty: It is where the lower one is valid and the upper one is invalid. One might have thought that we should invalidate the lower sukkah as a preventive measure lest one come to validate a sukkah (where the *s'chach* of the upper one is higher than twenty amos from the ground), where the invalid *s'chach* (of the upper one) joins with the valid *s'chach* (of the lower one); therefore it teaches us (that it is valid, and we do not make such a decree). (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.

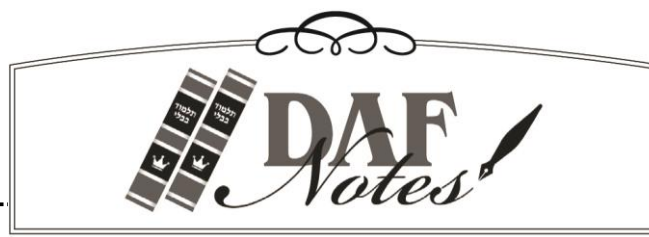
The *Oneg Yom Tov* thus concludes, based on the aforementioned Gemara in Kiddushin, that one can derive benefit from the Sukkah when it is raining, because the Torah was not given to the ministering angels. We therefore do not expect that one should exit the Sukkah the moment it begins to rain, and for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

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.