The Sztokfisz Edition

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לרבינו הגאון

רבי יחיאל מיכל הלוי אפשטיין זצ"ל

אב בית דין נאווהרדק

אורח חיים

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Aruch HaShulchan

by Rabbi Yechiel Michel HaLevi Epstein

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from the Mishnah Berurah, Shulchan Aruch HaRav, and today's poskim.
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A NOTE ON METHODOLOGY

The Nature of this Work

This volume presents an original English elucidation and commentary, prepared through a combination of advanced language and translation technology and human editorial oversight. The methods employed were carefully configured to adhere to Orthodox Jewish *hashkafa* and to preserve fidelity to the original Hebrew text. Even so, this edition does not carry the authority of a translation prepared and certified by a full team of rabbinic scholars.

Usage and Limitations

This translation is intended as a tool to help advanced learners access the depth of the original work. It is **not** intended to replace the original Hebrew source, nor to serve as a substitute for study under a qualified teacher.

Because the nuance of Torah study often transcends any single method of preparation, we ask the reader to keep two things in mind:

1. **Verification:** Any novel insight, ruling, or conclusion drawn from this translation should be checked against the original Hebrew.
2. **Consultation:** All practical questions or derived lessons should be discussed with and verified by a qualified rabbinic authority before being relied upon.

The goal of this edition is to make these teachings accessible to a wider audience, but the responsibility for accurate understanding and practical application remains with the reader.

לזכות

ילדינו היקרים שיחיו

אורי זלמן
דויד בערל
גולדה יוכבד
אהרן יעקוב

יהי רצון שזכות הדפסת ספר זה תעמוד להם,
שיזכו לגדול לתורה לחופה ולמעשים טובים,
להמשיך במסורת אבותיהם,
ושיהיו דברי התורה תמיד מתוקים וערבים בפיהם.

הוקדש באהבה על ידי הוריהם

אברהם כתריאל בן יטקע בעילה
חיקע לאה בת פעסי
שטוקפיש

ס. פאולו, ברזיל

a sukkah beneath a sukkah. Our Sages added another requirement: **וְעוֹד אָמְרוּ חֲכָמִים (י) שֶׁצְּרִיכָה שֶׁתְּהֵא הַתַּחְתּוֹנָה יְכוֹלָה לְקַבֵּל כָּרִים וּכְסָתוֹת שֶׁל הָעֶלְיוֹנָה. (א) — Furthermore, the Sages said (10a) that the lower one must be able to support the pillows and mattresses of the upper one.** This means the floor of the upper sukkah must be sturdy enough for actual use: **דְּאִם לֹא כֵּן, אֵיזוֹ סֻכָּה הִיא הָעֶלְיוֹנָה, כֵּיוָן שֶׁאֵינָהּ רְאוּיָה לְתַשְׁמִישִׁים? — For if not, what kind of sukkah is the upper one, since it is not fit for use?** And even minimal functionality suffices: **וְאָמְנָם אֲפִילּוּ אֵינָהּ יְכוֹלָה לְקַבֵּל בְּרִיווַח, אֶלָּא עַל יְדֵי הַדּחַק – גַּם כֵּן פּוֹסֶלֶת, — However, even if it cannot support [them] comfortably, but only with difficulty — it also disqualifies,** because of the nature of sukkah dwelling: **דְּסֻכָּה חֲוֵי דִּירַת עַרַאי, וּלְגַבֵּי דִּירַת עַרַאי אֲפִילּוּ עַל יְדֵי הַדּחַק חֲוֵי תַּשְׁמִישׁ. — for a sukkah is a temporary dwelling, and regarding a temporary dwelling even [use] with difficulty is considered use.** There is also a height requirement: **וְכֵן צָרִיךְ שֶׁתְּהֵא הָעֶלְיוֹנָה בְּגוֹבַהּ עֲשָׂרָה טְפָחִים מִן הַתַּחְתּוֹנָה, — Similarly, the upper one must be ten handbreadths in height from the lower one,** meaning the space between the two s'chachs must be at least this much, **דִּבְפָחוֹת מִזֶּה אֵין עָלֶיהָ שֵׁם סֻכָּה, שֶׁהֲרֵי אֵינָהּ רְאוּיָה לְתַשְׁמִישׁ כְּלָל. — for with less than this it does not have the status of a sukkah, since it is not fit for use at all.**

Halachic Divergences & Insights

What Disqualifies the Lower Sukkah

Shulchan Aruch HaRav (Section 1): **SAH:** The floor of the upper sukkah must be strong enough to support a person together with his pillows and mattresses without their falling into the lower sukkah. If the floor cannot support them even with difficulty, the upper sukkah is not fit for even temporary use. It therefore does not disqualify the lower sukkah.

Halachic Divergences & Insights

Overhanging S'chach from an Upstairs Sukkah

Sukkah KeHilchasah pp. 72, 179; Chiddushim uBiurim on Sukkah siman 3 os כ; Pri Megadim Mishbetzos Zahav 633:2; Bikkurei Yaakov; Shaar HaTziyun 628:5; Sfas Emes Sukkah 10a; Kaf HaChaim 628:9: An apartment balcony can create a case that the earlier poskim did not discuss. The s'chach of an upstairs sukkah may extend beyond its walls and cover part of a sukkah below. The *Aruch HaShulchan* in seif 2 holds that an upper covering disqualifies the lower sukkah only if the upper structure, including its walls, is itself a valid sukkah. According to this approach, an overhang without walls above the lower sukkah does not create a sukkah beneath a sukkah.

Sukkah KeHilchasah pp. 72 and 179 and *Chiddushim uBiurim* on Sukkah siman 3

os כ rule stringently. Once the overhang measures four tefachim by four tefachim (32 cm by 32 cm), one should not sit beneath it in the lower sukkah because a Torah-level invalidity may be involved. *Chiddushim uBiurim* notes that the poskim did not set a measure for this case and adopts four tefachim as a significant size. The *Pri Megadim* in Mishbetzos Zahav 633:2 gives a measure of seven tefachim and concludes that the lower sukkah is forbidden even when the upper sukkah lacks walls.

This stringency applies only if the lower sukkah's s'chach can support a person sitting above it together with his pillows and bedding. Still, one who is lenient should not be faulted. *Sfas Emes* at the start of *Sukkah* 10a, the *Aruch HaShulchan* here, and the Sephardic *Kaf HaChaim* 628:9 follow *Bikkurei Yaakov*: the lower sukkah is not disqualified unless the upper sukkah has walls. *Shaar HaTziyun* 628:5 rules this way as well. Such a question should be brought to a rav.

§3 וְאִם אֵין בֵּינֵיהֶן עֲשָׂרָה טְפָחִים, אוֹ שֶׁאֵינָהּ יְכוֹלָה לְקַבֵּל כָּרִים וּכְסָתוֹת שֶׁל עֶלְיוֹנָה – כְּשֵׁירָה הַתַּחְתּוֹנָה, — And if there are not ten handbreadths between them, or if it cannot support the pillows and mattresses of the upper one — the lower one is valid, provided it meets its own requirements: **אִם הִיא מְסוּכֶּכֶת כַּהֲלָכָתָהּ, צִילָּתָהּ מְרוּבָּה מֵחַמָּתָהּ, — if it is covered according to halachah, its shade exceeding its sunlight,** and this applies even in a surprising case: **אֲפִילּוּ אִם סִכַּךְ הָעֶלְיוֹנָה לְמַעְלָה מֵעֶשְׂרִים אַמָּה דְּפָסוּל בְּסוּכָּה, כְּמוֹ שֶׁאֲכַתֵּב בְּסִימָן תרלג. — even if the s'chach of the upper one is higher than twenty cubits which is invalid for a sukkah, as I will write in Siman 633.** One might think such s'chach should be considered invalid s'chach that disqualifies what is below it: **וְאַף עַל גַּב דִּבְסִימָן תרכ"ו נִתְבָּאֵר דְּאִם יֵשׁ סְכָךְ פָּסוּל לְמַעְלָה מֵהַסְכָךְ הַכָּשֵׁר – פְּסוּלָה, — And even though in Siman 626 it was explained that if there is invalid s'chach above valid s'chach — it is invalid,** that rule applies only in certain circumstances: **זֶהוּ כְּשֶׁהַפָּסוּל הוּא בְּעֶצֶם הַסְּכָךְ. — that is when the invalidity is in the essence of the s'chach.** Such as material that is attached to the ground or susceptible to impurity. But here: **אֲבָל בְּכָאן הַסְּכָךְ כָּשֵׁר, אֶלָּא שֶׁעוֹמֵד לְמַעְלָה מִמְּקוֹם הֶכְשֵׁירוֹ – — But here the s'chach is valid, only that it stands above the place of its validity** — meaning its only deficiency is its location, not its nature: **לֹא מִיחְשַׁב כִּסְכָךְ פָּסוּל מַמָּשׁ, שֶׁיִּפָּסוֹל הַתַּחְתּוֹנָה מִשּׁוּם סְכָךְ פָּסוּל. — it is not considered truly invalid s'chach, that it should disqualify the lower one because of invalid s'chach.** However, this has a limitation: **אָמְנָם זֶהוּ דַּוְקָא כְּשֶׁהַתַּחְתּוֹנָה אֵינוֹ צָרִיךְ לְצֵירוּף הָעֶלְיוֹנָה. — However, this is specifically when the lower one does not need to combine with the upper one.** Meaning the lower s'chach alone provides sufficient shade. But if it relies on the upper s'chach: **אֲבָל כְּשֶׁצָּרִיכָה, כְּגוֹן שֶׁהִיא בְּעַצְמָהּ חֲוִי חַמָּתָהּ מְרוּבָּה מִצִּילָּתָהּ, וְרַק בְּצֵירוּף הָעֶלְיוֹנָה חֲוִי צִילָּתָהּ מְרוּבָּה מֵחַמָּתָהּ – — But when it needs [the upper one], such as when [the lower one] itself has its sunlight exceeding its shade, and only by combining with the upper one does its shade exceed its sunlight** — in such a case the upper s'chach must also be within

valid parameters: וַודַּאי שֶׁצָּרִיךְ שֶׁתְּהֵא גַּם הָעֶלְיוֹנָה בְּתוֹךְ עֶשְׂרִים. — **certainly the upper one must also be within twenty [cubits].**

Halachic Divergences & Insights

Upper S'chach Above 20 Cubits

Shulchan Aruch HaRav (Section 2-3): **SAH:** S'chach may be inherently valid but disqualified by an external factor, such as being more than 20 cubits high. Such s'chach does not disqualify valid s'chach below it.

However, it cannot help make the lower sukkah valid. If the lower sukkah has more sunlight than shade without counting the upper s'chach, the lower sukkah is invalid. The upper s'chach is above 20 cubits and therefore cannot be counted together with the valid s'chach.

§4 הָעוֹשֶׂה סוּכָּתוֹ בְּרֹאשׁ הָעֲגָלָה, אוֹ בְּרֹאשׁ הַסְּפִינָה, אַף עַל גַּב דִּבְנְיָן עֲרַאי הוּא – — **One who makes his sukkah on top of a wagon, or on top of a ship,** which are mobile and not fixed in place, **even though it is a temporary structure** — and one might think it is too impermanent, מִכָּל מָקוֹם כְּשֵׁירָה הַסּוּכָּה, דְּסוּכָּה דִּירַת עֲרַאי הִיא. — **nevertheless the sukkah is valid, for a sukkah is a temporary dwelling.** However, there is a minimum requirement for stability: וּמֵיהוּ בָּעֵינַן עַל כָּל פָּנִים שֶׁתְּהֵא יְכוֹלָה לַעֲמוֹד בְּרוּחַ מְצוּיָה דְּיַבָּשָׁה. — **However, we require in any case that it be able to withstand an ordinary wind on land.** If it lacks even this minimal stability: דְּאִם לֹא כֵּן אֵינוֹ כְּלוּם, שֶׁהֲרֵי יָבֹא הָרוּחַ וִיעַקְּרֶנָּה. — **For if not, it is nothing, since the wind will come and uproot it.** Such a structure does not qualify even as a temporary dwelling. But if it meets this standard: אֲבָל אִם יְכוֹלָה לַעֲמוֹד בְּרוּחַ מְצוּיָה דְּיַבָּשָׁה, אַף עַל פִּי שֶׁאֵינָהּ יְכוֹלָה לַעֲמוֹד בְּרוּחַ מְצוּיָה דְּיָם, — **But if it can withstand an ordinary wind on land, even though it cannot withstand an ordinary wind at sea,** the sukkah remains valid because of the different standards: דְּבַיָּם הָרוּחַ חָזָק יוֹתֵר, וְרוּחַ מְצוּיָה דְּיָם חֲוֵי אֵינוֹ מְצוּיָה דְּיַבָּשָׁה, — **for at sea the wind is stronger, and an ordinary wind at sea is like an unusual wind on land,** and we do not require the sukkah to withstand unusual winds: וּמִכָּל מָקוֹם כְּשֵׁירָה הַסּוּכָּה אֲפִילּוּ הַסְּפִינָה הוֹלֶכֶת עַל הַיָּם, — **nevertheless the sukkah is valid even when the ship is traveling on the sea,** and the reason for this leniency is: דְּלָאו בְּכָל עֵת חֲוֵי רוּחַ מְצוּיָה דְּיָם. — **for it is not at all times that there is an ordinary sea wind.**

Halachic Divergences & Insights

A Sukkah in a Merchant's Wagon

Mishnah Berurah (Sk. 10) / Shulchan Aruch HaRav (Section 4): **MB:** Mer-

chants may construct a sukkah in their wagons, called *beidel* in Yiddish. Its interior must be at least 10 tefachim high and 7 tefachim wide, not counting the wheels. It must be tied down firmly enough to withstand ordinary land winds.

SAH: A sukkah that cannot withstand ordinary land winds is entirely invalid. Even when there is no wind, one who dwells in it does not fulfill the obligation because it is not considered a dwelling at all.

Halachic Divergences & Insights

S'chach That Cannot Withstand an Ordinary Wind

Sfas Emes Sukkah 23a; Sukkah 13a with Tur and Shulchan Aruch 629 from seif 13 onward; Piskei Teshuvos 628:2: The *Aruch HaShulchan* applies the standard of an ordinary land wind to the sukkah's structure. Later discussion applies this standard to the s'chach as well. *Sfas Emes* on *Sukkah* 23a leaves two questions unresolved. Does the Gemara invalidate only walls that cannot withstand an ordinary wind, as in the incident of R' Akiva, or does this also apply when only the s'chach cannot withstand it? And what is the status of a sukkah that stands now but will weaken and come apart after a day or two?

Sukkah 13a and *Tur* and *Shulchan Aruch* 629 beginning at seif 13 resolve both questions stringently. The sukkah must be fit to last all seven days, and its s'chach must also be fit to last all seven days. Therefore, lightweight mats that are liable to blow off in an ordinary wind should be tied down. The cords used should not be susceptible to tumah (see siman 629).

Piskei Teshuvos 628:2 adds that the sukkah remains invalid even if no wind actually reaches that location.

Halachic Divergences & Insights

A Sukkah Built on a Car or Truck

Shaar HaTziyun 628:11; Mikra'ei Kodesh Sukkos vol. 1 siman 1; Piskei Teshuvos 628:2: The *Aruch HaShulchan* validates a sukkah on a wagon or ship if it can withstand an ordinary land wind. *Piskei Teshuvos* 628:2 applies this ruling to sukkos built on cars and trucks. Both the walls and the s'chach must be strong enough to withstand an ordinary wind while the vehicle is at rest. Following *Shaar HaTziyun* 628:11, the sukkah remains valid while the vehicle is moving.

Mikra'ei Kodesh Sukkos vol. 1 siman 1 validates the sukkah even if it has no floor of

its own. It may stand on short posts at the corners of the truck bed and be set on the ground wherever the vehicle parks.

A sukkah on an airplane or helicopter is different. *Mikra'ei Kodesh* gives reason to invalidate it as a carried tent, which is not considered a tent. He therefore distinguishes an aircraft from a motor vehicle.

§5 הָעוֹשֶׂה סֻכָּתוֹ בְּרֹאשׁ הַגָּמָל, אוֹ בְּרֹאשׁ הָאִילָן, — One who makes his sukkah on top of a camel, or on top of a tree, referring to building the sukkah structure on these supports, **דִּבְשְׁנֵיהֶם אֲסוּרִים לְהִשְׁתַּמֵּשׁ בְּיוֹם טוֹב, — for both of these are forbidden to use on Yom Tov,** using animals and attached plants being prohibited on Shabbos and Yom Tov, **מִכָּל מָקוֹם הַסֻּכָּה כְּשֵׁרָה. — nevertheless the sukkah is valid.** The sukkah itself is not inherently disqualified: **אַךְ אֵין עוֹלִין לָהּ בְּיוֹם טוֹב. — However, one may not go up to it on Yom Tov.** The reason for this prohibition is: **דְּאִיסּוּר תַּשְׁמִישׁ בִּבְעֲלֵי חַיִּים וּמְחֻבָּר הֲוֵי מִדְּרַבָּנָן, וּמִדְּאוֹרַיְיתָא סֻכָּה מְעֻלֶּיָא הִיא: — for the prohibition of using animals and attached [plants] is Rabbinic, and according to Torah law it is an excellent sukkah:** Thus the Sages' prohibition stands despite the mitzvah. There is an additional concern: **אֲפִילּוּ אִם נֹאמַר דְּצָרִיךְ סֻכָּה הָרְאוּיָה לְשִׁבְעָה יָמִים, — even if we say that one needs a sukkah fit for all seven days,** which would seem to require that it be usable on Yom Tov as well, nevertheless the Rabbinic decree stands. Furthermore: **וַאֲפִילּוּ הַסֻּכָּה עַצְמָהּ עוֹמֶדֶת עַל הָאָרֶץ, וְהַקָּנִים שֶׁל הַסְּכָךְ נִסְמָכִים עַל הָאִילָן – אָסוּר, — and even if the sukkah itself stands on the ground, but the canes of the s'chach are supported by the tree — it is forbidden,** to enter on Shabbos and Yom Tov, and the reason is: **גְּזֵירָה שֶׁמָּא יַנִּיחַ חֲפָצָיו עַל הַסְּכָךְ. — a decree lest one place his belongings on the s'chach.** Doing so would constitute using the tree's appendages, which is forbidden. However, there is a leniency in modern times: **וְלָכֵן בִּמָּקוֹם שֶׁאֵין דַּרְכָּן לְהִשְׁתַּמֵּשׁ עַל הַסְּכָךְ – יֵשׁ לְהַתִּיר בְּכִי הַאי גַּוְונָא (מָגֵן אַבְרָהָם סְעִיף קָטָן ו). — Therefore, in a place where it is not their custom to use the s'chach — there is room to permit in such a case (Magen Avraham seif katan 6).** Since the concern that prompted the decree no longer applies. Now regarding a partially supported sukkah: **וְאִם אֵין כָּל הַסֻּכָּה עַל הָאִילָן, אֶלָּא מִקְצָתָהּ נִסְמֶכֶת עַל הָאִילָן וּמִקְצָתָהּ עַל דָּבָר אַחֵר, — And if the entire sukkah is not on the tree, but part of it is supported by the tree and part of it on something else,** the law depends on whether it could stand independently: **אִם הוּא בְּעַנְיַן שֶׁאִם יִנָּטֵל הָאִילָן תִּשָּׁאֵר הִיא עוֹמֶדֶת וְלֹא תִּפּוֹל – עוֹלִין לָהּ בְּיוֹם טוֹב. — if it is in a manner that if the tree were removed it would remain standing and not fall — one may go up to it on Yom Tov.** Since it does not truly rely on the tree: **וְאִם לָאו – אֵין עוֹלִין לָהּ בְּיוֹם טוֹב. — And if not — one may not go up to it on Yom Tov.**

Halachic Divergences & Insights

Modern Leniency When S'chach Is Supported by a Tree

Mishnah Berurah (Sk. 17-18) / Shulchan Aruch HaRav (Sections 6-7): **MB:** In earlier times, people commonly placed or hung items on s'chach. Therefore, even a ground-level sukkah whose s'chach rested on a tree was forbidden on Shabbos and Yom Tov. Nowadays, people are not accustomed to using s'chach this way, so one may enter such a sukkah on Shabbos and Yom Tov.

Nevertheless, one should preferably not support s'chach on a tree. Ideally, s'chach should be supported by materials that are themselves fit for s'chach (see Siman 629). If one transgressed and entered the sukkah on Yom Tov, he fulfills his obligation.

SAH: Agrees that this leniency applies today, though one should preferably avoid supporting s'chach on a tree.

Halachic Divergences & Insights

S'chach Resting Directly on a Camel

Mishnah Berurah (Sk. 18) / Shulchan Aruch HaRav (Section 8): **SAH:** If the ends of the s'chach canes rest directly on a camel, rather than on walls built on the camel, the sukkah is invalid even after the fact. It lacks permanence because the camel will eventually move and the s'chach will fall. A sukkah on a camel is valid only when the s'chach rests on walls constructed on the camel, so that the entire sukkah moves with it.

MB: Regarding a tree-based sukkah, one who transgresses and enters it on Yom Tov still fulfills his obligation. The Peri Megadim is uncertain whether one may enter that sukkah *l'chatchilah* when it is his only option.

תמצית ערוך השולחן

Tamtzis Aruch HaShulchan

The siman's dinim in brief — A Sukkah Beneath a Sukkah and Unusual Locations

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A *Sukkah* Beneath a *Sukkah*

It is a Scriptural decree that a *sukkah* situated beneath another *sukkah* is invalid — the lower one is disqualified, even though the upper one is fit. (AH §1; *Leviticus* 23:42) The upper *sukkah* remains valid. (AH §1)

- We do not say that the lower *sukkah* likewise disqualifies the upper one; the *Torah* invalidated only a *sukkah beneath* a *sukkah*, not a *sukkah atop* a *sukkah*. (AH §1)

The upper *sukkah* disqualifies the lower one only when the upper is itself a proper *sukkah* — properly covered so that its shade exceeds its sunlight, having walls, and of the minimum *sukkah* dimensions. (AH §2)

The lower *sukkah* must also be able to support the cushions and blankets of the upper one; otherwise the upper is no *sukkah*, since it is unfit for use. (AH §2; *Sukkah* 10a)

- Even if it can hold them only with difficulty, and not comfortably, the upper one still disqualifies the lower — for a *sukkah* is a temporary dwelling, and for such a dwelling even difficult use counts as use. (AH §2)

The upper *sukkah* must stand ten *tefachim* above the lower; with less than that it has no status of a *sukkah*, being entirely unfit for use. (AH §2)

If there are not ten *tefachim* between them, or the lower cannot support the upper's cushions and blankets, the lower *sukkah* is valid — provided it is properly covered with its shade exceeding its sunlight. (AH §3) This holds even if the upper *sechach* is above twenty *amos*. (AH §3; Siman 633)[1]

- *Sechach* that is *kosher* but merely positioned above the height at which it would be valid is not deemed actual invalid *sechach* that would disqualify the lower *sukkah*. (AH §3; Siman 626)
- This applies only where the lower *sukkah* does not need the upper's covering to complete it; but if the lower on its own has more sunlight than shade and reaches sufficient shade only by combining with the upper, then the upper too must be within twenty *amos*. (AH §3)[2]

A *Sukkah* on a Wagon or a Ship

One who makes his sukkah atop a wagon or atop a ship — though it is a flimsy structure — the *sukkah* is valid, since a *sukkah* is a temporary dwelling. (AH §4)

It must at least be able to withstand a normal land wind; if not, it is nothing, for the wind will uproot it. (AH §4)

If it can withstand a normal land wind, it is valid even though it cannot withstand a normal sea wind — and even though the ship travels on the sea — since a sea wind is not constant. (AH §4)

A *Sukkah* on a Camel or in a Tree

One who makes his sukkah atop a camel or atop a tree — the *sukkah* is valid, though he may not ascend to it on *Yom Tov*. (AH §5)[3]

- The prohibition of using an animal or something attached to the ground is only Rabbinic; by *Torah* law it is a full-fledged *sukkah*. (AH §5)

Even where the sukkah itself stands on the ground but the poles of its *sechach* rest against a tree, it is forbidden [to ascend on *Yom Tov*], as a decree lest he place his belongings on the *sechach*. (AH §5)

- In a place where it is not customary to use the *sechach*, one may be lenient in such a case. (AH §5; Magen Avraham s.k. 6)

If only part of the sukkah rests on the tree, part on the tree and part on something else: if it is such that were the tree removed the *sukkah* would still stand and not fall, one may ascend to it on *Yom Tov*; if not, one may not. (AH §5)

Notes

1. see *Be'ur Halacha* s.v. העליונה כשרה והתחתונה פסולה, who holds that even where the lower *sukkah*'s floor is above twenty *amos*, one may build the upper within twenty of it, since it can subsist on temporary walls.

2. see *Be'ur Halacha* s.v. והני לי שיכולה, who spells out the full range of cases (per the *Gemara*) turning on which *sukkah*'s shade exceeds its sunlight and whether the upper is within twenty *amos*.

3. see *Mishnah Berurah* 18, who cites that *b'dieved* one who ascended and sat there on *Yom Tov* has fulfilled the *mitzvah*, though the *Bikkurei Yaakov* rules one may not ascend even where he has no other *sukkah*.

סִימָן תרכט

Siman 629: What Materials May Be Used as S'chach

§1 הַסְּכָךְ צָרִיךְ לִהְיוֹת מִדָּבָר שֶׁאֵינוֹ מְקַבֵּל טֻמְאָה, וְגִידּוּלוֹ מִן הָאָרֶץ, — **The s'chach must be made from something that is not susceptible to ritual impurity, and its growth is from the ground,** meaning it must be a plant that grows from the earth and has been detached from it, כְּמוֹ: עֵצִים, וְעָלִים, וַעֲנָפִים, וְתֶבֶן, וְקַשׁ. — **such as: wood, and leaves, and branches, and hay, and straw.** וְלָמַדְנוּ מִמַּאי דִּכְתִיב: "חַג הַסֻּכּוֹת תַּעֲשֶׂה... מִגָּרְנְךָ וּמִיִּקְבֶךָ". — **And we learn this from what is written: "Make the Sukkos festival... from your threshing floor and your winepress."** The verse implies that the s'chach should be made from what is gathered from these sources, וְהַיְינוּ: פְּסוֹלֶת הַגּוֹרֶן, וְהֵם הַקַּשִּׁין וְהַתֶּבֶן, וּפְסוֹלֶת הַיֶּקֶב, שֶׁהֵם הַזְּמוֹרוֹת. — **That is: the refuse of the threshing floor, which are the stalks and straw, and the refuse of the winepress, which are the vine branches.** The Sages derived that the verse refers to the waste products, not the produce itself, דִּ"מִגָּרְנְךָ" – וְלֹא גָּרְנְךָ, "מִיִּקְבֶךָ" – וְלֹא יִקְבֶךָ. — **For the verse says "from your threshing floor" — and not "your threshing floor," "from your winepress" — and not "your winepress."** The prefix "from" indicates that only the byproducts are meant, not the grain or grapes themselves, דְּהַתְּבוּאָה וְהָעֲנָבִים מְקַבְּלִים טֻמְאָה. — **Because the grain and the grapes are susceptible to ritual impurity.** Since food items can become tamei, they are disqualified as s'chach, וְכֵן מָצִינוּ בִּנְחֶמְיָה (ח) כְּשֶׁעָלוּ מִן הַגּוֹלָה וְעָשׂוּ סֻכּוֹת, כְּתִיב: "צְאוּ הָהָר וְהָבִיאוּ עֲלֵי זַיִת, עֲלֵי עֵץ שֶׁמֶן, וַעֲלֵי הֲדַס, וַעֲלֵי תְמָרִים... לַעֲשׂוֹת סֻכּוֹת כַּכָּתוּב" (גְּמָרָא יב א). — **And similarly we find in Nechemiah (ch. 8) when they ascended from the exile and made sukkos, it is written: "Go out to the mountain and bring olive leaves, and leaves of oil trees, and myrtle leaves, and palm leaves... to make sukkos as is written" (Gemara 12a).** This demonstrates that the tradition of using leaves and branches for s'chach dates back to the time of Ezra.

Halachic Divergences & Insights

Plants grown in pots or water

Eglei Tal, melechet dash 4:8 sk 2; Machazeh Eliyahu OC 25:6: The *Aruch HaShulchan* requires s'chach that grew from the ground and was then detached. *Eglei Tal*, melechet dash 4:8 sk 2, permits a plant grown in a flowerpot even lechatchilah, including a pot without a drainage hole. However, the plant must first be detached from the pot. Whether this is required for a pot without a hole is a question left open in the Yerushalmi.

Machazeh Eliyahu OC 25:6 sees room to permit produce raised in water. The species grows from the ground, and actual soil may not be required.

Halachic Divergences & Insights

Straw and hay as s'chach once they are used for bedding
Shaar HaTziyun sk 73; Daas Torah, end of this siman; Kaf HaChaim sk 22:
The *Aruch HaShulchan* lists hay and straw among the primary materials for s'chach. *Shaar HaTziyun* sk 73 concludes leniently that one may cover with straw and hay, and especially in a place where tree branches are not available, against the *Taz*.
Daas Torah at the end of this siman raises a concern for present conditions: since straw and hay are now commonly packed into sacks to lie upon, there is reason to take account of the Raavad's view that forbids them. *Kaf HaChaim* sk 22 likewise cites the stringent position. Where the straw or hay at hand comes from bedding stock, such a question should be brought to a rav.

§2 **וְדַע שֶׁיֵּשׁ לְהִסְתַּפֵּק בִּמְדִינוֹת הַצְּפוֹנִיּוֹת שֶׁלָּנוּ, שֶׁכַּמָּה פְּעָמִים יוֹרֵד שֶׁלֶג בְּחַג הַסּוכוֹת, וְנָפַל הַרְבֵּה שֶׁלֶג עַל הַסְּכָךְ, אִם נִפְסָלָה הַסּוכָּה בְּכָךְ אִם לָאו?** **And know that there is a matter of doubt in our northern countries, where several times snow falls during the festival of Sukkos,** the question being whether this affects the validity of the sukkah, **and much snow fell on the s'chach, whether the sukkah is invalidated thereby or not?** **וְרָאִיתִי מִי שֶׁכָּתַב שֶׁהִיא כְּשֵׁרָה, דִּכְיָון דְּשֶׁלֶג אֵינוֹ חוֹצֵץ בִּפְנֵי הַטּוּמְאָה (אוֹהָלוֹת פֶּרֶק רְבִיעִי מִשְׁנָה ה) – לֹא חֲשִׁיבָה לִהְיוֹתָהּ תִּקְרָה עַל הַסּוכָּה (בְּאֵר הֵיטֵב וְשַׁעֲרֵי תְּשׁוּבָה בְּסִימָן תרכו סָעִיף קָטָן א).** **And I saw one who wrote that it is valid, since snow does not serve as a barrier against tumah (Ohalos Chapter 4 Mishnah 5) — it is not considered significant enough to constitute a roof over the sukkah (Be'er Heiteiv and Sha'arei Teshuvah in Siman 626 Seif Katan 1).** According to this view, snow's inability to block tumah indicates it lacks halachic significance as a covering, **וַאֲנִי אוֹמֵר דְּאֵין מִזֶּה שׁוּם רְאָיָה, דְּהָא גַּם זְרָעִים וְיָרָקוֹת הַמְּחֻבָּרִין לַקַּרְקַע – תְּנַן הָתָם דְּגַם כֵּן אֵין חוֹצְצִין, וּבְסוּכָּה וַודַּאי דְּפַסְלִי.** **But I say that there is no proof from this, for behold, even seeds and vegetables that are attached to the ground — we learned there that they also do not serve as barriers, yet for a sukkah they certainly invalidate.** The *Aruch HaShulchan* challenges this reasoning, noting that attached plants also don't block tumah yet are clearly invalid for s'chach, **וְזֶה דְּשֶׁלֶג אֵינוֹ חוֹצֵץ – מִשּׁוּם שֶׁאֵינוֹ מִתְקַיֵּים. אֲבָל לְשַׁעְתּוֹ וַודַּאי מְבַטֵּל הַסְּכָךְ.** **And the reason that snow does not serve as a barrier is because it is not permanent. But for the moment it certainly nullifies the s'chach.** Snow's temporary nature explains its inability to block tumah, but while it is present it still creates a problematic covering, **אַךְ מִטַּעַם אַחֵר יֵשׁ**