The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, September 13, 2025 ■ כ' אלול, תשפ"ה
סימן תרכ"ח סעיף א'

Overview

Siman 628 Seif 1:

When a *sukkah* is built atop another *sukkah* the upper one is valid and the lower one is invalid. This applies when the *schach* of the lower *sukkah* is strong enough to support the pillows and blankets of the upper *sukkah* even if with difficulty and there is ten *tefachim* between the two *sukkos*. If there is not ten *tefachim* between them or if there are ten *tefachim* but the *schach* of the lower *sukkah* cannot support the pillows and blankets of the upper one even if with difficulty the lower *sukkah* is valid if it has valid *schach* even if the *schach* of the upper *sukkah* is more than twenty *amos* from the ground. If the lower *sukkah* does not have sufficient *schach* and requires the *schach* of the upper *sukkah* for it to be valid the upper *schach* may not be more than twenty *amos* from the ground.

- Meaning if the *schach* is strong enough to support a person with his bedding and he will be able to eat there it is a valid *sukkah*. (M.B. 2)
- The ten *tefachim* are measured from the *schach* of the upper *sukkah* to its bottom, meaning the top of the lower *schach*. (M.B. 4)
- Even if the upper *sukkah* has more shade than sun it is not considered a *sukkah* since it cannot support a person. (M.B. 7)
- If the upper *sukkah* has more sun than shade the lower *sukkah* is valid even if it could support the bedding of the upper *sukkah*. (M.B. 7)

Stories to Share

Playing Pretend

מ"ב ס' תרכ"ח, ס"ק ה': "אבל העליונה פסול דלא חזיא אפילו לדירת עראי"

One child wished to build his own sukkah. Since he enjoyed the view from high places, he decided to build on top of his family's sukkah which was attached to his house. Although there was room and it was not dangerous, the father wondered whether this was permitted. When he learned today's amud he found that it was no simple matter. If the sukkah above was kosher, it would invalidate the lower sukkah. But then he learned that if the walls do not fulfill the halachic minimum, the top sukkah would not be a bona fide sukkah and would not forbid the bottom structure.

שער הציון שם, ס"ק ה'

His son built a simplified hut that did not conform with the din and put kosher sechach on it.

When a friend visited he pointed out that some believe that the Mishnah Berurah here may not be the final word on the matter. "It is true that the Mishnah Berurah permits this in the Shaar Hatziun. He writes there that although the Pri Megadim is slightly unsure, the Bikurei Yaakov permits. Yet the Pri Megadim concludes that this is forbidden in siman תרל"ג. Maybe if the Mishnah Berurah had considered this he would have changed his mind…"

But when the father brought this question to Rav Moshe Mordechai Karp, shlit"a, he rejected this reasoning entirely. "Firstly, the Bikurei Yaakov brings that the Pri Megadim later concludes that this is forbidden. Secondly, the Rashba and the Meiri permit this. Finally, the Aruch Hashulchan and Kaf Hachaim also permit like the Bikurei Yaakov. With all of this the opposite is likely true: had the Pri Megadim seen all of this he would surely have permitted!"

הלכות חג בחג, סוכה, ע' רנ"ט-ר"ס

Halacha Highlight

A *sukkah* atop another *sukkah*

Shulchan Aruch Siman 628 Seif 1

סכה תחת סכה העליונה כשרה והתחתונה פסולה

If a *sukkah* is atop another *sukkah* the upper one is valid and the lower one is invalid

Shulchan Aruch writes that if one constructs one *sukkah* on top of another, the upper *sukkah* is valid and the lower *sukkah* is invalid. Shulchan Aruch then adds a number of qualifications to this *halacha*. The lower *sukkah* is invalid only if the schach is strong enough to support a person with his pillows and blankets, but if it cannot the upper *sukkah* is considered non-existent. Additionally, there must be ten *tefachim* between the upper *schach* and the lower *schach* but if there is not that much space separating the two it is considered a single *sukkah*.

Sha'ar HaTzion (סק"ה) cites Pri Megadim who writes that if the upper *sukkah* has *schach* but no walls the lower *sukkah* is valid. His rationale is that as long as the upper *sukkah* is not valid it is not considered a case of a *sukkah* on top of another *sukkah*. Although Pri Megadim hesitates about this *halacha* Bikurei Yaakov is lenient. Piskei Teshuvos (אות א') notes that Pri Megadim in another place adopts a stringent position and rules that even if the upper *sukkah* does not have walls the lower *sukkah* is invalid. This has practical relevance for people living in apartments with balconies that run in a diagonal line along the face of the building so that each apartment could build their *sukkah* on the balcony. It happens some times that the *schach* from a *sukkah* on an upper floor may extend over the *sukkah* on a lower floor. According to the stringent approach (Since the question involves a Biblical matter one should adopt a stringent approach), if the *schach* from the upper floor extends four *tefachim* by four *tefachim* over the *sukkah* on the lower floor it is prohibited to sit in the lower *sukkah* under that area that is covered by the *schach* from the upper *sukkah*. This assumes, of course that the *schach* of the lower *sukkah* is strong enough to support a person with his pillows and blankets.