



Overview

Siman 631 Seif 10:

A sukkah without a roof, for example, the ends of the walls were attached to one another forming a hut, or one leaned schach against a wall, is invalid. If it has a roof that is even a tefach, or if the schach that leans on a wall is elevated off the ground a tefach the sukkah is valid. Some authorities maintain that the tefach cannot be empty space; rather it must be either wall or schach. The sukkah must have seven tefachim by seven tefachim of space to a height of ten tefachim. It is also necessary that the walls above the height of ten tefachim must be made from a material that is valid schach since it serves as schach. If the walls are made from material that is valid schach one may sleep under the walls.

- ❖ In other words the walls and the roof are formed from a single item. (M.B. 27)
- ❖ Even if the slanted walls are made from material that is valid for schach it is not a valid sukkah since there aren't walls or a roof. (M.B. 28)
- ❖ Magen Avrohom asserts that even if there is no material that runs horizontally for a tefach, it is valid as long as there is a tefach of space. (M.B. 29)
- ❖ The one tefach could be comprised of empty space. The height of this sukkah must still be ten tefachim. (M.B. 30)
- ❖ If the area of seven tefachim by seven tefachim does not reach a height of ten tefachim and when it does reach a height of ten tefachim it is not seven tefachim wide, the sukkah is invalid. The ten tefachim of height is measured vertically and not on an angle. (M.B. 33)
- ❖ The part of the wall that is higher than ten tefachim is considered the schach. (M.B. 34)
- ❖ Pri Megadim writes that when there is a dispute regarding the validity of a sukkah if the question is Biblical, one must be stringent but if there is no other sukkah he should eat there without reciting the beracha. If the question is Rabbinic and he has another sukkah to use he should use the other sukkah but if there is no other sukkah available he fulfills his obligation and may even recite a beracha

Halacha Highlight

A sukkah constructed like a hut

Shulchan Aruch Siman 631 Seif 10

או שהגביה הדפן הסמוך לכתל מן הקרקע טפח

Or if he lifted the partition that is near the wall a tefach

Shulchan Aruch discusses a sukkah that has no roof, for example, one leans branches against one another forming a crude hut. Another example is one who takes valid schach and leans it against a wall. The reason why these do not form a valid sukkah is that a sukkah requires walls and schach. If the walls and schach are the same, a valid sukkah has not been constructed. One approach to rectify the situation is to lift the branches off the ground a tefach. This is effective because that one tefach of space is considered the wall of the sukkah and the branches can serve the role exclusively as the roof. Shulchan Aruch and Rema disagree whether that tefach that will serve as the wall may be empty space or not. According to Shulchan Aruch it is acceptable even if the "wall" is comprised of empty space, e.g. one lifted the schach with a tefach sized rock in each corner. The principle of lavud dictates that the space is closed and can therefore serve as the wall of the sukkah. Rema cites opinions who maintain that the tefach may not be comprised of empty space and must be filled with some material. Biur Halacha (ד"ה ויש אומרים) writes that one should strive to satisfy the stringent opinion of Rema.

Sha'ar HaTzion (סי"ק כ"ג) notes that Rema's position is seemingly inconsistent with Shulchan Aruch's earlier ruling (סי" תר"ל סעי' ט') that a partition that does not reach the ground is valid as long as it is within three tefachim of the ground. Why then in this case does Rema rule that even a tefach of airspace is not acceptable? He answers that above the partition was vertical and as such even if there is empty space at the bottom it is valid. In our case the schach is slanted and there is a principle that states that a slanted ohel does not constitute an ohel. As such it is necessary to fill the space.

on the sukkah. This matter requires further research. (M.B. 34)