



Overview

Siman 632 Seif 1:

Invalid schach invalidates a sukkah in the middle if it is four tefachim wide, but if it is less than four tefachim the sukkah is valid and one may sleep beneath the invalid schach. A sukkah is not invalidated when the invalid schach is on the side unless it is four amos but if it is less than four amos the sukkah is valid based on the principle of עקומה דופן, lit., bent wall. This means that we look at it as if the wall bent and the invalid schach is part of the wall. This principle is Halacha L'Moshe M'Sinai. Therefore if the middle of the ceiling broke and one placed schach in the empty space but the width of the roof that remains intact from the schach until the wall is less than four amos, it is valid. However, one may not sleep beneath that area if it is at least four tefachim wide. These guidelines apply for a large sukkah that has seven tefachim by seven tefachim of valid schach besides the invalid schach but in a small sukkah that is only seven tefachim by seven tefachim invalid schach invalidates the sukkah whether it is in the middle or whether it is on the side. If it is less than three tefachim the sukkah is valid and one may sleep beneath it and the area combines to complete the minimum size of a valid sukkah.

- ❖ The four tefachim run from the middle wall the entire length of the sukkah and since it is a significant size it cuts the sukkah into two parts with each part having only two walls. (M.B. 2)
- ❖ Some Poskim maintain that although less than four tefachim does not invalidate the sukkah one may not eat or sleep beneath that area unless it is less than three tefachim wide and l'chatchila one should be stringent about the matter. (M.B. 3)
- ❖ The wording implies that the walls reach the schach. Some maintain that even if the walls do not reach the schach the principle may be employed and it is possible that if the walls are within three tefachim of the schach all opinions would be lenient since we can apply the principles of lavud and dofen akumah. (M.B. 4)
- ❖ If the schach rests on an angle rather than horizontally it does not invalidate unless it covers an area that horizontally is four amos wide. (M.B. 5)
- ❖ Since four tefachim is a significant size it is not nullified to the rest of the sukkah. (M.B. 6)
- ❖ It is possible that even if only three tefachim extend inside the sukkah and another tefach extends outside of the sukkah it is prohibited to sit beneath that area. (M.B. 7)
- ❖ The wording is not precise since even if the sukkah is 9 ½ tefachim and has three tefachim of invalid schach it

Halacha Highlight

Using two Halachos L'Moshe M'Sinai

Shulchan Aruch Siman 632 Seif 1

שאנו רואים כאלו הכתל מעקם

We look at it as though the wall is bent

Shulchan Aruch discusses the Halacha L'Moshe M'Sinai of dofen akumah, lit., a bent wall. In the event that one has invalid schach next to the wall of his sukkah, the sukkah is not invalid unless the invalid schach is four amos wide or more. The reason is that halacha sees the invalid schach next to the wall as though it is merely part of the wall that bent over. Mishnah Berurah (סק"ד) cites a dispute whether the walls must reach the schach in order to be able to invoke the principle of dofen akumah. The simple reading of Shulchan Aruch indicates that the walls must reach the schach. However, there is an opinion that maintains that even if the walls do not reach the schach the principle of dofen akumah could be invoked. It is possible, concludes Mishnah Berurah, that if the walls are within three tefachim of the schach all opinions would agree that the sukkah is valid since we could apply the principle of lavud and see the walls reaching the schach and then apply the principle of dofen akumah to ignore the invalid schach that is next to the wall.

Rav Akiva Eiger (סי' י"ב) contends that even if the wall is within three tefachim of the schach the sukkah is invalid because we cannot combine two Halachos L'Moshe M'Sinai in order to validate a sukkah. He then explains that this restriction applies only when one halacha is reliant on the other. For example, in our case we cannot invoke the principle of dofen akumah unless the wall reaches the schach and halachically the wall reaches the schach due to the principle of lavud. When the two Halachos L'Moshe M'Sinai are not dependent upon one another, they may both be invoked. For example, if there is invalid schach next to the wall, Halacha L'Moshe M'Sinai states that that section is part of the wall and the sukkah is valid. If next to the invalid schach is an open space of less than three tefachim the principle of lavud closes that gap so that we consider the schach as resting next to the wall. Although this involves invoking two Halachos L'Moshe M'Sinai since they are not dependent upon each other the sukkah is valid (פסקי תשובות אות ג').

is invalid since in the absence of the invalid schach the sukkah does not contain the minimum size for a sukkah. (M.B. 8)