The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרל"ג סעיף ז'-י'

Overview

Siman 633 Seif 7:

If one built the platform in the middle, but there is less than four amos to each wall, the area on the platform may be used as a sukkah even if the platform is more than ten tefachim tall. If there is more than four amos from the platform to the walls it is invalid even if the platform is more than ten tefachim tall.

- Shulchan Aruch is teaching that we could apply the principle of dofen akumah in multiple directions simultaneously. (M.B. 22)
- The last point was emphasized to teach that we do not look at the edge of the platform as though it rises, thereby forming walls, and we require recognizable walls. (M.B. 24)

Siman 663 Seif 8:

A sukkah that is not ten tefachim tall is invalid.

- This is measured from the ground to the schach. (M.B. 25)

Siman 663 Seif 9:

If the schach was ten tefachim high but some branches descend within that ten tefachim space, even if those branches produce more sun than shade it is invalid. If decorations descend within the ten tefachim of space the sukkah is not invalidated.

- The sukkah is invalid since it is difficult for a person to live there and is considered a דירה סרוחה. (M.B. 26)

Siman 663 Seif 10:

If the sukkah was less than ten tefachim tall and one dug into the ground so that it should be ten tefachim tall and the carved out area contains the minimum size for a valid sukkah it is valid as long as it is less than three tefachim from the carved out area to the walls but if there are three tefachim from the carved out area to the walls the sukkah is invalid.

- If the schach was thick and one removed some of the schach so that it would be at least ten tefachim it would also be valid. (M.B. 28)
- Applying the principle of lavud makes it as though the walls reach the edge of the carved out area. There are, however, Poskim who are stringent and do not allow one to sleep between the edge of the carved out area and the walls. (M.B. 29)
- Dofen akumah does not apply since a prerequisite for dofen akumah is to have a wall and a partition smaller than ten tefachim is not a dofen. (M.B. 30)

Halacha Highlight

A sukkah smaller than ten tefachim tall

Shulchan Aruch Siman 633 Seif 8

סכה שאינה גבוהה עשרה טפחים פסולה

A sukkah that is not ten tefachim high is invalid

Shulchan Aruch (סע' ח') rules that a sukkah that is not ten tefachim is invalid. In other words the airspace from the ground until the schach is not ten tefachim. There is a disagreement regarding the source for this ruling. According to R' Meir, it is derived from the aron that, together with the covering, was ten tefachim tall. According to R' Yehudah, it is derived from Halacha L'Moshe M'Sinai. In his commentary to the Mishnah, Bartenura explains that a sukkah that is less than ten tefachim is invalid because it is an undesirable dwelling – דירה סרוחה. Tosafos Yom Tov wonders why Bartenura did not cite the explanation of R' Meir since halacha follow his opinion in this case. Some authorities answer that a special teaching was not necessary to teach that a sukkah less than ten tefachim is not valid since that is obvious being that one cannot dwell in such a small structure. The teaching from the aron or Halacha L'Moshe M'Sinai was to teach that at a height of ten tefachim it is valid since one may have assumed that even at that height it should be invalid since it is too small for a person to live comfortably. For that reason Bartenura did not cite R' Meir's opinion since he was explaining why less than ten tefachim is invalid rather than why it is valid when it is ten tefachim (הסוכה השלם מילואים לפרק ה' אות ט').

In the event that one's schach was higher than ten tefachim from the ground but some of the branches dip below ten tefachim, the sukkah becomes invalidated. However, if one hung sukkah decorations that diminish the height of the airspace inside to less than ten tefachim the sukkah remains valid. The reason is that the decorations are subordinate to the sukkah and do not cause the sukkah to be considered an undesirable dwelling (מ"ב ס"ק כ"ז). This is true even if the decorations are made from items that could be used for schach (שער הציון ס"ק כ"ז).