

## סוכה שהיא גבוהה פרק ראשון סוכה

(fol.51c) **משנה א:** סוכה שהיא גבוהה למעלה מעשרים אמה פסולה. ורבי יהודה מכשיר. ושאנינה גבוהה עשרה מפהים ושאין לה שלש דפנות ושחמתה מרובה מוצלתה פסולה.

**Mishnah 1:** A *sukkah* which is higher than twenty cubits is disqualified; Rabbi Jehudah qualifies it<sup>1</sup>. It is disqualified if it is not ten hand-breadths high<sup>2</sup>, or does not have three walls<sup>3</sup>, or where the sunshine is larger than the shade.

**משנה ב:** סוכה הישנה בית שמאי פוסלין ובית הלל מכשירין. ואיזו היא הישנה כל שישנה קדם לחג שלשים יום. אבל אם עשאה לשם חג אפילו מותחילת השנה בשירה:

**Mishnah 2:** The House of Shammai disqualify an old *sukkah*, but the House of Hillel qualify it. What is an old *sukkah*? Any which he made<sup>4</sup> thirty days before the holiday. But if he made it for the holiday it is qualified even from the beginning of the year<sup>5</sup>.

1 Since the essence of a *sukkah* is its roofing, סכך, which has to be temporary and made from vegetable material, giving little protection from the rain, the roofing always should be visible to any person inside the *sukkah*.

2 Since nobody could dwell inside.

3 Even though Isaias (*Is.* 1:8) gives the name of *sukkah* to a watchman's shelter

from the sun, a roof over 4 poles without any walls, this does not apply to the holiday hut which must be a dwelling place.

4 I. e., putting up the roofing.

5 Since the festival of Tabernacles starts on Tishre 15, two weeks after New Year's day, this "beginning of the year" refers to the preceding year.

(51c line 55) סוכה שהיא גבוהה כול'. רבי יוסי אמר לה סתם. רבי אחא בשם רב. ורבנן גלפין לה מפיתחו שלהיכל. ורבי יודה זליף לה מפיתחו שלאולם. אם מפיתחו שלאולם דיוו ארבעים אמה. דתנינן תמן. מפיתחו שלאולם גובהו ארבעים אמה. ורחבו עשרים אמה. תני רבי חייה. אפילו ארבעים חמשים אמה. תני בר קפרא. אפילו מאה אמה. אמר רבי אבין. רבי יודה כדעתיה ורבנן כדעתיהון. דתנינן תמן. וכן גשרים המפולשין מטלטלין תחתיהון בשבת. דברי רבי יהודה. וחכמים אוסרין. היך מה דאת אמר תמן. את רואה את התקרה כאילו היא יורדת וסותמת. כך את אמר הכא. את רואה את המלתירה כאילו היא יורדת וסותמת. היא דעתיה דרבי יודה בסוכה היא דעתיה במבוי. היא דעתיהון דרבנן בסוכה היא

דעתהון במבוי. ולא דמיא. יש דברים קשרים בסוכה ופסולים במבוי קשרים במבוי ופסולים בסוכה. דוקרניו קשרים בסוכה ופסולין במבוי. ותיני כן. הביא ארבעה דוקרניו וסיכך על גביהן. בסוכה קשר ובמבוי פסול. הדיא דאת אמר. בגבוהין שלשה למעלה מכותלי המבוי. אבל אם אינו גבוהין שלשה מכותלי המבוי קשר. בשאין בהן רוחב ארבעה. אבל אם יש בהן רוחב ארבעה אפילו גבוהין כמה קשר. דפנות קשירות בסוכה ופסולות במבוי. ותיני כן. שתיים כהילכתן והשלישית אפילו טפח. רבי חייה בשם רבי יוחנן. שתיים של ארבעה ארבעה טפחים ושלישית אפילו טפח קשר. ובמבוי עד שיאה מגופף מארבע רוחותיו. רחב מעשר אמות. בסוכה קשר ובמבוי פסול. הדלה עליה את הגפן את הדלעת ואת הקיסוס וסיכך על גבי פסולה. הדיא דאת אמר. על בית סאתים. אבל יותר מבית סאתים נעשית כמחיצה שהוקפה זרעים. שאין מותר לטלטל בה אלא בארבע אמות. חמתה מרובה מצילתה. בסוכה פסולה. במבוי קשר. סוכה מקורה פסולה. מבוי מקורה קשר. רבי אחא בשם רבי הושעיה. לא סוף דבר מקורה. אלא אפילו נתן מלתרא ויש בה רוחב ארבעה טפחים מתרת את המבוי.

“An alley which is higher than twenty,” etc. <sup>6</sup>Rebbi Yose said it without attribution, Rebbi Aḥa in the name of Rav: The rabbis inferred it from the door of the Sanctuary, but Rebbi Jehudah inferred it from the door of the Hall. An argument from the door of the Hall is sufficient only up to forty cubits, as we have stated there<sup>7</sup>: “The door of the Hall was forty cubits high and twenty cubits wide.” Rebbi Hiyya stated, even forty or fifty cubits; Bar Qappara stated, even a hundred cubits. Rebbi Abin said, Rebbi Jehudah follows his opinion and the rabbis follow their opinion, as we have stated there<sup>8</sup>, “and similarly one carries under panelled bridges on the Sabbath, the words of Rebbi Jehudah, but the Sages forbid it.” As you are saying there, one considers the roof as if it came down and closed, here also one considers the cross-beam<sup>167</sup> as if it came down and closed. This is the opinion of Rebbi Jehudah in the case of a *sukkah*, this is his opinion in the case of an alley. Also the opinion of the rabbis in the case of a *sukkah* is their opinion in the case of an alley. But they are not comparable. There are items qualified for a *sukkah* which are disqualified for an alley and those qualified for an alley but disqualified for a *sukkah*. Double pointed poles<sup>9</sup> are qualified for a *sukkah* but disqualified for an alley, and it was stated thus: If he brought four double pointed stakes and thatched over them it is qualified as a *sukkah* but disqualified for an alley. That is, if they are higher by more than three

{hand-breadths} than the walls of the alley. But if they are not higher by more than three {hand-breadths} than the walls of the alley it is qualified. If they are not, but if they are four [hand-breadths] wide they are qualified even if arbitrarily high. Walls may be qualified for a *sukkah* but disqualified for an alley, and it was stated thus<sup>10</sup>: “Two regular and the third even one hand-breadth is qualified.” Rabbi Ḥiyya in the name of Rabbi Johanan: Two of four hand-breadths each and the third even one hand-breadth is qualified. But for an alley only if it is closed in its four directions. Wider than ten cubits is qualified for a *sukkah* but disqualified for an alley. “If he drew a vine, or squash, or ivy, and used it as roofing it is disqualified.”<sup>11</sup> That means, up to an area of two *bet se’ah*. But more than an area of two *bet se’ah* it is a partition made for agriculture where one may transport only four cubits. If its sunshine is more than its shade it is disqualified as *sukkah* but qualified for an alley. A roofed *sukkah* is disqualified, a roofed alley is qualified. Rabbi Immi in the name of Rabbi Hoshai: Not only roofed, but if he put there a cross beam four hand-breadths wide, it makes the alley permitted.

6 This text was copied at the beginning of *Eruvin* Chapter 1, explained there in Notes 31-57. A dead-end alley can be turned into the private domain of its dwellers for the rules of the Sabbath by turning its entrance into a symbolic gate. For the cross-beam which designates the gate the same measure-

ments as for a *sukkah* are required for the rabbis and R. Jehudah.

7 Mishnah *Middot* 3:4.

8 Mishnah *Eruvin* 9:5.

9 Greek δίκπavov, τό.

10 Tosephta *Sukkah* 1:13.

11 Mishnah *Sukkah* 1:4.

51d line 8) אילו בית שֶׁהוא גבוה מכמה שָׁמא אינו חייב בַּמַּעֲקָה. אינו חייב בַּמְּזוּזָה. אֵלָא בֵּית מְקוּרָה. אין סוּכָה מְקוּרָה. מְצִינוּ סִיכּוּד שֶׁהוא כְּקִירֵי. דִּתְיִינּוּ תַּמָּן. הִרְחִיק אֶת הַסִּכּוּד מִן הַדִּפְנוֹת שֶׁלֹּשֶׁה טַפְחִים פְּסוּלָה: אֵלָא בֵּית מְגוּפָף וְאֵין סוּכָה מְגוּפָפָת. וְהִרִי אֶבְסִדְרָה שֶׁנִּפְרָצָה בַּמְּלוּאָה לְרִשּׁוֹת הָרִבִּים. רַבִּי אֵילָא [בְּשֵׁם] רַב וְרַבִּי יוֹחָנָן תִּרְיָהוּן אֲמֵרִין. מְטַלְטְלִין בְּכוּלָּהּ. מֵאִי דָּדוּ. רַבִּי אֶבְהוּ בְּשֵׁם רַבִּי יוֹחָנָן. הִתְנַוָּה אֲמָרָה בְּסוּכּוֹת תִּשְׁבּוּ. עַד עֶשְׂרִים אֲמָה אֶת יוֹשֵׁב בְּצִילָהּ שֶׁלְסוּכָּה. מַעֲשָׂרִים אֲמָה וּלְמַעַלָּן אֶת יוֹשֵׁב בְּצִילָהּ שֶׁלְדִּפְנוֹת. אָמַר רַבִּי יוֹנָה. הֲדָא דְאַתָּה אָמַר. בְּנִתּוּנָה לְמַעַלָּה מַעֲשָׂרִים אֲמָה לְדִפְנוֹת. אֲבָל אִם הִיתָה נִתּוּנָה לְמַטָּה מַעֲשָׂרִים אֲמָה לְדִפְנוֹת כְּשִׁירָה. אָמַר לִיה רַבִּי יוֹסֵה. עַל דְּעִתָּךְ דְּאַתָּה אָמַר. בְּדִפְנוֹת הַדָּבָר תִּלּוּי. נִיתְּנִי. סוּכָה שֶׁהיא נִתּוּנָה לְמַעַלָּה מַעֲשָׂרִים אֲמָה לְדִפְנוֹת פְּסוּלָה. רַבִּי בָּא בְּשֵׁם רַב. בְּשִׁאֲנִיה מִחֻזָּקָת אֵלָא כְּדִי רֵאשׁוּ וְרוּבוּ וְשׁוּלְחָנוּ. אֲבָל אִם הִיתָה מִחֻזָּקָת יוֹתֵר כְּשִׁירָה. רַבִּי יַעֲקֹב בֶּר

אחא בשם רבי לאשנה. בשאין דפנותיה עולות עמה. אבל אם היו דפנותיה עולות עמה קשירה. והא מתניתא פליגא. אמר רבי יהודה. מעשה בסוכתה שלהילני המלכה בלוד שהיתה גבוהה יותר מעשרים אמה והיו חכמים נכנסין ויוצאין בה ולא אמר אדם דבר. אמרו לו. מפני שהיא אשה ואין אשה מצוה על המצות. אמר להן. אם משם ראיה והלא שבעה בנים תלמידי חכמים היו לה. את לך מימר. בסוכתה שלהילני בשאינה מחזקת אלא כדי ראשו ורובו ושולחנו. אלא בשאין דפנותיה עולות עמה. מסתברא מא דאמר רבי לאשנה. לית היא פליגא. דכן ארחיהון דעתיריא מיעבד דפנתא קלילן די יא קרויה עלי.

Now is a house which is very high not obligated to have a parapet, or to have a *mezuzah*<sup>12</sup>? But a house is roofed, a *sukkah* is not roofed<sup>13</sup>. We find that thatching is like roofing, as we have stated there<sup>14</sup>, “if the thatching was three hand-breadths distant from the walls it is disqualified.” But a house is completely enclosed, a *sukkah* is not completely enclosed. If a porch<sup>15</sup> was totally open to the public domain, do not Rabbi Illa [in the name of]<sup>16</sup> Rav and Rabbi Johanan both say, one may carry in its entirety<sup>17</sup>? What about it? Rabbi Abbahu in the name of Rabbi Johanan: The Torah said, *in sukkot you shall dwell*<sup>18</sup>. Up to twenty cubits a person sits in the shade of the thatching; from twenty cubits and higher he sits in the shade of the walls. Rabbi Jonah said, that is, if you are saying, if it<sup>19</sup> is put higher than twenty cubits on the walls. But if it was put lower than twenty cubits inside the walls it is qualified. Rabbi Yose said to him, in your opinion, since you are saying that it is depending on the walls, it should state that “a *sukkah* which is higher than twenty cubits on the walls is disqualified.”<sup>20</sup> Rabbi Abba in the name of Rav, if it only holds a person’s head, most of his body, and his table<sup>21</sup>. But if it holds more it is qualified. Rabbi Jacob bar Aha in the name of Rabbi Joshua, only if its walls do not reach up all the way, but if its walls reach up all the way it is qualified. But does not a *baraita* disagree<sup>22</sup>? “Rabbi Jehudah said, it happened that the *sukkah* of Queen Helena<sup>23</sup> in Lydda was higher than twenty cubits and the Sages were coming and going there and nobody was saying a word. They said to him, because she was a woman, and a woman is not obligated<sup>24</sup>. He said to them, is that a proof? Did she not have seven learned sons<sup>25</sup>?” Could you say that the *sukkah* of Queen Helena only held a person’s head, most of his body, and his table? But it must be that the walls do not reach up all the way. What Rabbi Josia said is reasonable and the *baraita*

does not disagree, since it is the way of rich people to make their walls airy so that cool air may enter<sup>26</sup>.

12 Since a *sukkah* is a temporary house, one has to understand why the rules for a *sukkah* should be different from those for a house; in particular why a *sukkah* can be called by this name only up to a height of 20 cubits (11m). Naturally, a *sukkah* needs no parapet (*Deut.* 22:8) since nobody can walk on its roof, and it needs no *mezuzah* (*Deut.* 6:9) since it is used only for 7 days and the obligation of *mezuzah* starts only with 30 days' use.

13 A house must be a permanent shelter which also protects against winter rains; this does not apply to the thin thatching covering a *sukkah*.

14 Mishnah 1:10. Everywhere an empty space up to 3 hand-breadths width is disregarded (cf. *Eruvin* Chapter 1, Note 248). This also applies to houses.

15 Greek ἑξέδρα, 'η, a covered walkway. Cf. *Eruvin* Chapter 1, Note 88.

16 Corrector's addition. A comparison with the text in *Eruvin* (Chapter 1, Note 92) shows that it is unnecessary, and could have been replaced by a comma.

17 While this is a well-defined space, it has no walls. In order to treat it by the rules of an alley one has to hold that the beams which form the frame for the roofing (which may be either a complete roof or simply lattice work) define virtual walls around the walkway. For the rules of the Sabbath, one

should compare the porch to an enclosed alley, whose entry beam also cannot be higher than 20 cubits. The rule is waved for the porch.

18 *Lev.* 23:42.

19 The thatching. For him a low thatching in very high walls creates a qualified *sukkah*.

20 R. Jonah's explanation is rejected; the thatching must be on top of the walls.

21 A minimal *sukkah* has space for one person. Since they were taking dinner lying on couches, there must be room inside for that part of the couch on which his head and body rest; the legs may be outside. In addition there must be a small table for the food. For any *sukkah* larger than this, the restriction in height is not valid. Accepted in the Babli, 2b.

22 Tosephta 1:1, Babli 2b.

23 Of Adiabene, who moved to Jerusalem as a widow.

24 As a positive commandment tied to a specified time it does not apply to women, Mishnah *Qiddušin* 1:7.

25 It is spelled out in the Tosephta that they were sitting with their mother in her *sukkah*.

26 Therefore it is accepted practice that the height restriction does not apply to a *sukkah* which is not minimal and whose thatching rests on the walls.

מִן הַיָּמִים הַזֵּה וְעַד הַיָּמִים הַבָּאִים. הַבֵּינָה נִסְר וְנִתְּנוּ עַל גְּבִי חוֹלִיָּה שְׁלֵעֲמוּד. אִם יָמוּד מִן הַנִּסְר יֵשׁ קָאן עֲשָׂרִים אַמָּה. אִם יָמוּד מִן הַקֶּרֶקֶע אִין קָאן עֲשָׂרִים אַמָּה. מָה אֵת עֲבִיד לֵיה. קָאִוִּיר פְּסוּל. כְּסָכָה פְּסוּל. אִין תַּעֲבִדִינִיה קָאִוִּיר פְּסוּל פּוֹסֵל בְּשִׁלְשָׁה טַפָּחִים. אִין תַּעֲבִדִינִיה

כְּסֶכֶד פְּסוּל אֵינוֹ פּוֹסֵל אֶלָּא בְּאַרְבַּע אַמּוֹת. רַבִּי יוֹסֵה בִּירְבִּי בּוֹן בְּשֵׁם חִזְקִיָּה. מִפְּנֵי מָה אָמְרוּ. סֶכֶד פְּסוּל אֵינוֹ פּוֹסֵל אֶלָּא בְּאַרְבַּע אַמּוֹת. שְׁלֹא בָּא אֶלָּא לְהִיתִּירָה שְׁלִסּוּכָה. אָמַר רַבִּי מִיִּשָּׁא. וְתִמְיָה אֲנֵי הַיָּד רַב הוֹשָׁעִיָה צְרִיכָה לִיה. וְלָמָּה לֹא זָלִיף לָהּ מִן הַדָּא דְרַבִּי בָּא בַר מָמַל. דִּתְנִינָן תַּמָּן. הִמְשַׁלְשֵׁל דְּפָנוֹת מִלְמַעְלָן לְמַטָּן. אִם גְּבוּהָה מִן הָאָרֶץ שְׁלֹשָׁה טַפְחִים פְּסוּלָה. וְאָמַר רַבִּי בָּא בַר מָמַל. בְּשֵׁאִינוֹ יוֹשֵׁב וְאוֹכֵל בְּצִילָן שְׁלִדְפָנוֹת. אָבֵל אִם הָיָה יוֹשֵׁב וְאוֹכֵל בְּצִילָן שְׁלִדְפָנוֹת כְּשִׁירָה. אָמַר רַבִּי יוֹסֵה. לִית הַדָּא דְרַבִּי בָּא בַר מָמַל אוֹלְפָן. מִן מִתְנִיתָן זָלִיף לָהּ רַבִּי בָּא בַר מָמַל. דִּתְנִינָן תַּמָּן. כְּצוּצְטְרָא שֶׁהִיא לְמַעְלָה מִן הָיָם אֵין מְמַלְאִין הִימְיָנָה בְּשִׁבְתָּ אֶלָּא אִם כֹּן עָשׂוּ לָהּ מַחֲצִיָה גְבוּהָה עֲשָׂרָה טַפְחִים בֵּין מִלְמַעְלָן בֵּין מִלְמַטָּן. וְאָמַר רַבִּי זְעוּרָה רַב הַיְּהוּדָה בְּשֵׁם רַב. וְהִיא שֶׁתִּהְיֶה מַחֲצִיָה מְשׁוּקָעַת בְּמִים כְּמַלּוּאָה שְׁלִדְלִי. וְלֹא דְמִיָּא. וְסַפְרָמִלִית הִיא. אֵינָה לֹא רְשׁוּת הַיָּחִיד וְלֹא רְשׁוּת הָרַבִּים. בְּרִם הָכָא הַתּוֹרָה אָמְרָה בְּסוּכּוֹת תִּשְׁבּוּ. מְשַׁקְעָה סוּכָה אֶת מוֹדֵד עֲשָׂרִים אַמָּה.

Rav Hoshai asked: If he brought a plank<sup>27</sup> and put it protruding on top of a pillar. It is obvious that if he measures from the plank there are twenty cubits, if he measures from the ground it is not twenty cubits<sup>28</sup>. How do you treat this? As disqualified space, as disqualified thatching? If you are treating it as disqualified space, it disqualifies by three hand-breadths<sup>29</sup>. If you are treating it as disqualified thatching, it only disqualifies by four cubits<sup>30</sup>. Rabbi Yose ben Rabbi Abun in the name of Hizqiah: Disqualified thatching only disqualifies by four cubits, since it serves only to permit the *sukkah*<sup>31</sup>. Rabbi Miasha said, I am wondering what was Rav Hoshai's problem? Why does he not infer from the statement of Rabbi Abba bar Mamal, since we stated there<sup>32</sup>: "If one makes the wall hanging from top to bottom, if it is more than three hand-breadths higher than the ground it is disqualified<sup>33</sup>," and Rabbi Abba bar Mamal said, if he does not sit and eat in the shade of the walls, but if he was sitting and eating in the shade of the walls it is qualified<sup>34</sup>. Rabbi Yose said, that of Rabbi Abba bar Mamal is not an inference since Rabbi Abba bar Mamal learned it from another Mishnah, as we have stated there<sup>35</sup>: "From a balcony above the sea one may not draw water on the Sabbath unless one made a partition ten hand-breadths high either above or below<sup>36</sup>." And Rabbi Ze'ira said, Rav Jehudah in the name of Rav: Only if the partition is lowered into the water the full length of a pail<sup>37</sup>. But one cannot compare it. The sea is *karmelit*, neither private nor public domain<sup>38</sup>. But here the Torah

said, *in sukkot you shall dwell*<sup>18</sup>. From the floor of the *sukkah* you measure twenty cubits<sup>39</sup>.

27 A solid wooden plank. While it is of vegetable origin, it cannot be used for thatching if it is too wide since it is impermeable by both light and rain. The pillar is standing in the middle of the *sukkah*. One may either sit under the protruding plank or on top of it.

28 But more than that.

29 If it cannot be used for thatching, cf. Note 13; Halakhah 10.

30 If the roof is made of solid material, only in the center there is a skylight which can be covered by thatching; this may be a qualified *sukkah* if the solid material does not extend 4 cubits from the walls. The solid roof then simply is considered a horizontal part of the vertical walls.

31 Babli 4a.

32 Mishnah 1:10.

33 Up to three hand-breadths of empty space are disregarded both on top (Note 13) or on the bottom of a wall. The wall is considered as if standing on the ground.

34 If he sits on the ground in such a *sukkah*, it is as if he sits in the open. But if he lies on a couch or sits on a chair higher than 3 hand-breadths, he is surrounded by walls and is under a thatched roof, fulfilling the commandment to sit in the *sukkah*. Similarly, in the case of Rav Hoshia, one

should say that if he sits on the ground, the *sukkah* is disqualified, but not if he sits on the plank.

35 *Eruvin* Mishnah 8:9.

36 The house is on a lakeshore, the balcony is built over the lake, and there is a hole in the balcony through which a pail may be lowered to draw water. While obviously water is always moving and it cannot be asserted that water drops found under the balcony on the Sabbath were there at sundown, and the water could have come from outside the house's Sabbath domain, since the restriction is purely rabbinic it is enough that under the balcony one make a symbolic wall whose extension would enclose the water.

37 A quote from *Eruvin* Chapter 8 (Notes 73-80). Since water is always moving, it is impossible to know which molecules will be where at a given time. The answer is that this is irrelevant; at the time the pail is lowered it will draw water only from water on the house's side of the partition lowered into the lake.

38 A technical term defined in this sentence. Cf. *Šabbat* 1, Note 73.

39 In all cases. R. Abba bar Mamal's statement is disproved.

הַיְתָה (לְמַעַל) [לְמַטָּה] מִעֲשָׂרָה וְתוֹלָה בָּהּ עֵיטוּרֵי שָׁהוּ רְאוּיִן לְסַבֵּף בָּהּ. מִמַּעֲטִין בָּהּ לְפָסוּל. וְאִם לֹא מִמַּעֲטִין בָּהּ לְכַוֵּשׁ. הַיְתָה לְמַעַל מִעֲשָׂרִים אָמָּה וְתוֹלָה בָּהּ עֵיטוּרֵי שָׁהוּ רְאוּיִן לְסַבֵּף בָּהּ. מִמַּעֲטִין בָּהּ (לְפָסוּל) [לְכַוֵּשׁ]. וְאִם לֹא מִמַּעֲטִין בָּהּ (לְכַוֵּשׁ) [לְפָסוּל]. אָמַר רַבִּי שְׁמִי. כָּשֶׁם שֶׁאֲמָרוּ לְמַעַל כֹּף אֲמָרוּ לְמַטָּה. קֵשׁ וְתָבֹן אֵין מִמַּעֲטִין בָּהּ. עֶפֶר וְצֹרֹרוֹת מִמַּעֲטִין בָּהּ. אָמַר רַבִּי יוֹסֵה בִּירְבִי בֹן. עָלוּ בּוֹ עֲשָׂרִים אֵין מִמַּעֲטִין בָּהּ.

If it was (higher) [lower]<sup>40</sup> than ten, and he hung there decorations which could be used for thatching; these reduce it to disqualify. Otherwise they reduce it but qualify<sup>41</sup>. If it was higher than twenty cubits and he hung there decorations which could be used for thatching they reduce it to (disqualify) [qualify]. Otherwise they reduce it to qualify [disqualify]<sup>42</sup>. Rabbi Shammai said, what they said about above they said about below.<sup>43</sup> Straw and provender do not diminish in it; dust and pebbles do diminish in it. Rabbi Yose ben Rabbi Abun said, if grasses grew in it, they would not diminish it.

40 The text in parentheses is the scribe's, the one in brackets the corrector's. The numeral in the masculine means that the reference is to a *sukkah* 10 hand-breadths high, and therefore one has to accept the scribe's text and reject the corrector's.

41 If the decorations could serve as thatching, the *sukkah* does not have the minimum height and is disqualified. Otherwise they are disregarded and the *sukkah* is qualified.

42 By the same argument as in the previous Note, here one has to accept the corrector's text, provided that decorations which can count as thatching are hanging

down below 20 cubits. Cf. Babli 4a.

43 This text is from *Eruvin* Chapter 7 (Note 24). There it is noted that a ditch 10 hand-breadths deep or a wall 10 hand-breadths high separate domains for the rules of the Sabbath. If the ditch is filled with material that is easily blown away, it remains a separator; if it is filled with pebbles it disappears as Sabbath boundary. Similarly, if walls of a *sukkah* end higher than 3 hand-breadths from the ground, the *sukkah* cannot be qualified by filling the distance with straw, provender, or grasses; it is qualified if the hole is filled with dust and pebbles. Babli 4a.

מִנִּין לְמַעַל מִעֲשָׂרָה שְׁהִיא רְשׁוּת אַחֶרֶת. רַבִּי אֲבָהוּ בִּשְׁם רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. וְנִזְדַּעְתִּי לָךְ שֶׁם וְדִבַּרְתִּי אֵתְךָ מֵעַל הַכִּפּוּרֹת. וְכָתוּב. אַתֶּם רְאִיתֶם בִּי מִן־הַשְּׁמַיִם דִּיבַרְתִּי עִמָּכֶם: מִה דִּיבּוֹר שֶׁנֶּאֱמָר לְהֵלֵן רְשׁוּת אַחֶרֶת אִף דִּיבּוֹר שֶׁנֶּאֱמָר כָּאן רְשׁוּת אַחֶרֶת. וְאֶרְוֶן לֹא תִשָּׁעָה טַפְחִים הוּא. דְּבֵית רַבִּי יִצְחָק אֶמְרִין. וְכַפּוּרֹת טַפַּח. רַבִּי זְעֹרָה בְּעֵי. מִנִּין לְכַפּוּרֹת שְׁהִיא טַפַּח. תִּנָּה רַבִּי חֲנִינָה בֶּן שְׁמוּאֵל. כָּל־הַכֵּלִים שֶׁהֵיוּ בְּמִקְדָּשׁ נִתְּנָה הַתּוֹרָה מִידָּה אוֹרְכּוֹ וְרוֹחְבּוֹ וְשַׁעֲוֹר קוֹמָתוֹ חוּץ מִן הַכַּפּוּרֹת שֶׁנִּתְּנָה הַתּוֹרָה מִידָּת אֶרְכָּה וְרֹחְבָּהּ וְלֹא נִתְּנָה שִׁיעוֹר קוֹמָתָהּ. וְיִלְמְדִינָה מִכָּל קָטָן שֶׁבְּמִקְדָּשׁ. וְעֲשִׂיתָ לוֹ מִסְגָּרֶת טַפַּח סָבִיב. מִה כָּאן טַפַּח אִף כָּאן טַפַּח. אוֹ אֵינוֹ אֶלָּא וְעֲשִׂיתָ זֶרֶזְהָב לְמִסְגָּרָתוֹ סָבִיב: מִה כָּאן כָּל־שְׁהוּא אִף כָּאן כָּל־שְׁהוּא. מֵאִי כְּדוֹן. רַב אֲחִיָּא בַּר יַעֲקֹב אֹמֵר. פְּנִי. אֵין פְּנִי פְחוּתִים מִטַּפַּח.

רַבִּי יוֹסֵה בְּעֵי. אֵילוֹ מִגִּדָּל שְׁהוּא עוֹמֵד בְּתוֹךְ הַבַּיִת גְּבוּהָ כַּמָּה. שְׁמָא אֵינוֹ מוֹתֵר לְהַשְׁתַּמֵּשׁ מִתּוֹכוֹ לַבַּיִת וּמִן הַבַּיִת לְתוֹכוֹ. אֶלָּא בְּשָׁעָה שֶׁהָיָה מְרַבֵּעַ לָהּ אֶת הָרוּחוֹת אֲנִן קוֹיָמִין. נִיחָא



כִּמְאֵן דְּאָמַר. בְּאַמֶּת שִׁשָּׁה. בְּרֵם כִּמְאֵן דְּאָמַר. בְּאַמֶּת חֲמִשָּׁה. וְאָרוֹן לֹא שִׁבְעָה טַפְחִים וּמִחֲצָה הוּא. רַבִּי יַעֲקֹב בַּר אֲחָא אָמַר. דְּבֵית רַבִּי יִנְאִי וְרַבִּי שְׁמַעוֹן בֶּן יוֹצְדָק. חֵד לִילִי לָהּ מִן הָאָרוֹן. וְחוֹרְנָה לִילִי לָהּ מִן הָעֲגֻלוֹת. [וְלֹא יִדְעִינוּ מֵאֵן דִּילִיף לָהּ מִן אָרוֹן וּמֵאֵן דִּילִיף לָהּ מִן הָעֲגֻלוֹת]. מִסְתַּבְּרָא דְּבֵית רַבִּי יִנְאִי יִלְפִין לָהּ מִן הָאָרוֹן. דְּבֵית רַבִּי יִנְאִי אָמַר. [אָרוֹן תִּשְׁעָה] וּכְפוֹרֹת טַפַּח. וְרַבִּי שְׁמַעוֹן בֶּן יוֹצְדָק לִילִי מִן הָעֲגֻלוֹת. רַבִּי זְעֹרָה בְּעֵי. מְנִיין לְעֲגֻלוֹת שֶׁהֵן גְּבוּהוֹת עֶשְׂרֶה. אָמַר רַבִּי יוֹסֵה. וְאַפִּילוּ תִימַר. גְּבוּהוֹת עֶשְׂרֶה. לֹא כֹן תֵּנִי בְּשֵׁם רַבִּי נְחֻמֵּה. צַב כְּמִין קַמְרִסְטָא הִי. אֵילוּ חוֹר בְּרִשּׁוֹת הַרְבֵּים גְּבוּהָ עֶשְׂרֶה וְרַחֲב אַרְבָּעָה שְׁמָא אֵינוּ אֲסוּר לְהִשְׁתַּמֵּשׁ מֵתוֹכוֹ לְרִשּׁוֹת הַרְבֵּים וּמִרִשּׁוֹת הַרְבֵּים לְתוֹכוֹ. אֶלָּא בְּשִׁעָה שֶׁהִי מוֹשִׁיטִין אֶת הַקֶּרְשִׁים מִזֹּל תְּרוֹטוֹת הִי.

<sup>44</sup>From where that higher than ten [hand-breadths] is a different domain? Rabbi Abbahu in the name of Rabbi Simeon ben Laqish: *There I shall make My Appearance to you, and I shall speak to you from above the cover*<sup>45</sup>. And it is written, *you have seen that from Heaven I spoke to you*<sup>46</sup>. Since speech mentioned there is from another domain, also speech mentioned here is from another domain. But is the Ark not nine hand-breadths<sup>47</sup>? In the House of Rabbi Yannai they said, the cover was one hand-breadth<sup>48</sup>. Rabbi Ze'ira asked, from where that the cover was one hand-breadth? Rabbi Hananiah bar Samuel stated, for all the vessels in the Sanctuary the Torah gave the measure of length and width, and gave the measure of its height. Except for the cover where the Torah gave the measure of length and width, but did not give the measure of its height. Therefore we shall learn it from the smallest vessel in the Sanctuary, *you shall make for it a frame of one hand-breadth all around*<sup>49</sup>. Since there it was one hand-breadth, so also here one hand-breadth. But maybe it refers only to: *make a golden wreath as its frame all around*<sup>50</sup>? Since there it is a minimal size, so here also a minimal size. What about it? Rav Aḥa bar Jacob said, *face*. There is no *face* less than a hand-breadth<sup>51</sup>.

Rebbi Yose asked, if there were a very high chest standing in a house, would it not be permitted to move anything from in it into the house or from the house into it<sup>52</sup>? But we are dealing with the case when it was indicating to them the geographic directions<sup>53</sup>. This is understandable for him who said, a cubit of six {hand-breadths}<sup>54</sup>. But for him who said, a cubit of five hand-breadths? Would the Ark not be seven and one half hand-breadths? Rabbi Jacob bar Aḥa said, the House of Rabbi Yannai and Rabbi Simeon ben

Yošadaq. One learns it from the Ark, but the other learns it from the wagons. [We do not know who learned it from the Ark and who learned in from the wagons.]<sup>55</sup> It is reasonable that the House of Rebbi Yannai learned it from the Ark since the House of Rebbi Yannai said, [the ark was nine and]<sup>56</sup> the cover was one hand-breadth. Rebbi Simeon ben Yošadaq learns if from the Wagons. Rebbi Ze'ira asked, from where that the Wagons were ten {hand-breadths} high<sup>57</sup>? Rebbi Yose said, and even if you said that they were ten high, did not Rebbi Neḥemiah state that the Freight Wagons were like a cupola<sup>58</sup>? If there was a hole in the public domain ten deep and four wide, would it no be forbidden to move anything from in it into the public domain or from the public domain into it<sup>59</sup>? But when they were transferring the planks from one to the other they were straight<sup>60</sup>.

44 This paragraph is from *Šabbat* Chapter 1, Notes 118 ff. While here the problem is that a roof less than 10 hand-breadths from the ground does not have the status of a cover, for the rules of the Sabbath public domain reaches only from the ground to a height of 10 hand-breadths, while private domain extends to an indefinite height. The parallel discussion in the Babli is *Sukkah* 5a. Since the entire discussion is Amoraic, one must conclude that for earlier times the limitation of the public domain to 10 hand-breadths from the ground and the minimal height required for a *sukkah* was tradition not subject to verification from biblical sources.

45 *Ex.* 25:6.

46 *Ex.* 20:22.

47 1.5 cubits (*Ex.* 25:10).

48 In the Babli 5b, this is questioned but in the end accepted. The biblical data do not fit the assertion. The cover was square of surface area  $3.75(\text{cubit})^2$  (*Ex.* 25:17). The hand-breadth and the cubit are not well defined.. If we take a small hand-breadth of

8.5 cm, cubit 51 cm, then a cover 2 cubits long, 1.5 cubits wide, and one hand-breadth height would have a volume of  $108(\text{hand-breadths})^3 = 66(\text{dm})^3$ . Since the cover was of pure gold, of specific weight about 19, the total weight would have been 1260 kg. But the total weight of gold contributed for the Tabernacle (*Ex.* 38:24) was 29.25 talents or, on a basis of 12.5 g for the sheqel, about 1097 kg, not to speak of the fact that a weight of 1.26 tons would have crushed the wooden ark. All these data were well within the knowledge of antiquity. One has to conclude that they imagined the cover to be hollow.

49 This cryptic statement is explained in the Babli (in the name of Rav Aḥa bar Jacob's teacher Rav Huna) as referring to *Lev.* 16:2 where Aaron is warned not to appear *before the face of the cover* except on the day of Atonement. This implies that the cover was not simply a sheet lying over the Ark but had a face, a vertical dimension which is not negligible.

50 It is impossible to say that in general a

new domain starts at 10 hand-breadths since it is commonly accepted that a private domain remains private to an indeterminate height. The Ark was standing in the private domain of the Sanctuary; a reference to it seems to be irrelevant.

51 In the desert, the Ark was travelling in front of the people (*Num.* 10:33) while the Sanctuary was carried in the middle (v. 17). At the resting place, the Ark automatically assumed a West-East direction so that the Sanctuary could be placed around it and the tribes camped correctly in the four directions of the compass (*Num.* 2). The Ark had functions outside the Sanctuary; the reference is legitimate.

52 In Mishnaic times, the building cubit was a standard 6, the vessel cubit 5 hand-breadths. If the Ark was built to vessel standards, it cannot be used to define domains. Whether the vessel standard was used in the Temple is a matter of controversy in the Babli, *Menahot* 98a.

53 In *Ex.* 31:12-18 and 35:1-3 the observation of the Sabbath is emphasized in the instructions for the building of the Tabernacle. One concludes that the work forbidden on the Sabbath is exactly work needed in building or transporting the Tabernacle. The wagons mentioned here are the 6 wagons donated by the tribal chiefs for the transport of the Sanctuary (*Num.* 7:3).

54 Nine hand-breadths of the Ark and one of the cover.

55 Corrector's addition from *Šabbat*.

56 Corrector's addition.

57 There are no biblical indications about the height of the wagons' platforms above ground.

58 Greek *καμάρα*, Latin *camara*, -ae, f. (also *camera*) "arched or vaulted roof or ceiling, distinct from an outer roof".

The wagons are called עֲגֵלֵי צֶבֶד. Now צֶבֶד means "turtle"; from this comes the usual translation "covered wagon", using the image of the domed back of the turtle. The expression really is a technical term "freight-wagon", Accadic *subbum*, *šūbum*.

59 This is a side remark. A hole in the public domain 10 hand-breadths deep and 4 by 4 wide creates a new domain for the rules of the Sabbath and is considered a private domain from which nothing may be transported to the public domain. This cannot be derived by comparison either to the Ark or to the wagons.

60 Whether the wagons were covered with a convex covering or not is irrelevant since at the moment of loading the planks and the gobelins of the Sanctuary they were uncovered and certainly had flat loading areas. For the meaning of "straight" for תְּרוֹטוֹת cf. Mishnah *Middot* 2:5.

7) (52a line 7) תִּנִּי רַבִּי אוֹמֵר. אַרְבַּע אַמּוֹת אֶף עַל פִּי שְׁאֵין שֵׁם אַרְבָּעָה דְּפָנוֹת. רַבִּי שְׁמַעוֹן אוֹמֵר. אַרְבָּעָה דְּפָנוֹת אֶף עַל פִּי שְׁאֵין שֵׁם אַרְבַּע אַמּוֹת. רַבִּי יְהוֹדָה אוֹמֵר. אַרְבַּע אַמּוֹת וְאַרְבַּע דְּפָנוֹת. וְכֵן הָיָה רַבִּי יְהוֹדָה מַחֲזִיב בְּמִזְוָה. [אֶף עַל פִּי שְׁאֵין שֵׁם אַרְבַּע אַמּוֹת וְאַרְבַּע דְּפָנוֹת.] מִסְתַּבְּרָא דְּרַבִּי יְהוֹדָה יוֹדָה לְאַיְלִין רַבָּנָן וְאַיְלִין רַבָּנָן לֹא יוֹדִין לְרַבִּי יְהוֹדָה שְׁאֵף עַל פִּי שְׁנֵישׁ שֵׁם אַרְבַּע אַמּוֹת וְאַרְבַּע דְּפָנוֹת שֶׁהִיא פְּטוּרָה מִן הַמִּזְוָה וְאַיְנָה טוֹבֵלֶת בְּמַעֲשָׂרוֹת.

1 תני | ע - ארבעה | ע ארבע 2 ארבעה | ע ארבע 3 [...] | ע - 4 דר' יהודה | ע ר' יודה | ע ידי

רבנן | ע רבנן ואילין | ע אילין רבנן | ע רבנן שאע"פ | ע אע"פ 5 שהיא פטורה | ע שהוא פטור טובלת | ע  
[טובל]

<sup>61</sup>It was stated: Rabbi says, four cubits even though there are not four walls<sup>62</sup>. Rabbi Simeon says, four walls even though there are not four cubits. Rabbi Jehudah says, four walls and four cubits<sup>63</sup>. Similarly, Rabbi Jehudah requires it to have a *mezuzah* [even though it has neither four cubits nor four walls.]<sup>64</sup> It is reasonable that Rabbi Jehudah agrees with these rabbis<sup>65</sup>, but these rabbis will not agree with Rabbi Jehudah, for even if it has four cubits and four walls it is not required to have a *mezuzah*<sup>66</sup> and it does not create *tevel*<sup>67</sup> for tithes.

61 The paragraph is copied from *Ma`serot* 3:8 (Notes 126-129, ע). It is a general rule that agricultural produce is subject to tithe at the latest when it is brought into a house for use or storage. R. Jehudah stated that a *sukkah* qualifies as a house for the rules of tithes while the other authorities disagree.

62 For him a minimal *sukkah* must have a thatched roof of at least 4-by-4 cubits surface area but may have less than 4 walls.

63 This paragraph explains why R. Jehudah holds that a *sukkah* counts as a

house for the rules of tithes; for him a *sukkah* must be a complete house since one is required to dwell in it. Rabbi's standpoint is quoted in the Babli 3b, *Yoma* 10a, *Tosephta* 2:2.

64 Corrector's addition, to be deleted.

65 He does not agree but he requires everything any other authority requires.

66 Since it must be temporary.

67 *Tevel* is the state of agricultural produce from which heave and/or tithes are required but which were not yet taken.

(52a line.) רבי שמעון אומר. ארבע. ורבנן ארבע. שלש. מה טעמון דרבנן. סכות סכות  
סכות הרי שלש. אחת למעלה ושתיים למטה והשלישית מדבריהן. מה טעמא דרבי שמעון.  
סכות סכות סוכות מלא הרי ארבע. אחת למעלה ושלוש למטה והרביעית מדבריהן. רבי חייא  
בר אבא אומר. תרין אמורין. חד אמר טעמון דרבנן וחורנה אמר טעמא דרבי שמעון. מה  
טעמון דרבנן. וסוכה תהיה לצליומם מחורב. הרי אחת למעלה. [סוכות] סוכות סוכות הרי  
שלש. מה טעמא דרבי שמעון. וסוכה תהיה לצליומם מחורב. הרי אחת למעלה. סכות סכות  
סוכות מלא הרי ארבע. רבנן דקיסרין שמעון טעמא דרבי שמעון וטעמון דרבנן מן הדין  
קרינא. וסוכה תהיה לצליומם מחורב. הרי אחת. ולמחסה ולמסתור. הרי שתיים. מנזר  
וממקט: רבנן עבדין מנזר וממקט אחת. רבי שמעון עבד מנזר וממקט שתיים.

Rebbi Simeon says four, but the rabbis say three<sup>68</sup>. What is the rabbis' reason? סכות סכות סכות, these are three<sup>69</sup>. One for the top, and two for the bottom, and the third from their words<sup>70</sup>. What is Rabbi Simeon's reason?

סוכות סוכות *plene*<sup>71</sup>, these are four. One for the top, and three for the bottom, and the fourth from their words. Rabbi Hiyya bar Ada said, two Amoraim. One explained the rabbis' reason, the other explained Rabbi Simeon's reason. What is the rabbis' reason? *A sukkah shall be for shade during daytime against dryness*<sup>72</sup>, that is one for the top. [סוכות סוכות, these are three. What is Rabbi Simeon's reason? *A sukkah shall be for shade during daytime against dryness*, that is one for the top. סוכות סוכות *plene*, these are four. The rabbis of Caesarea understand the reason of Rabbi Simeon and the rabbis' reason from this verse: *a sukkah shall be for shade during daytime against dryness*, that is one. *For shelter and hiding*, that is two. *From stream and rain*. The rabbis consider *from stream and rain* as one, Rabbi Simeon considers *from stream and rain* as two<sup>73</sup>.

68 Since it was established that according to the majority opinion a *sukkah* does not have to be a complete dwelling, the problem remains to find biblical support for a decision about the number of walls the *sukkah* must have.

69 In *Lev. 23:42,43* the word is used three times.

70 Since the verses define the obligation to live in huts, the first mention is needed to establish the fact that the essence of a *sukkah* is its roofing, סכך, which has to be temporary and thatched from vegetable material. Since then only two occurrences of the word are remaining, in this opinion only two complete walls are required by biblical standards; the third wall is rabbinic

or conventional usage.

71 In fact, in v. 42 one reads twice סוכת, in v. 43 once סוכת. The first two follow the spelling standards of Moses's time, the second one that of Ezra who copied the Torah from Hebrew into Aramaic letters (*Babli Sanhedrin* 21b, cf. *Sotah* 7:3 Note 57, *Megillah* 1:11). It is presumed that Ezra incorporated here an oral tradition from earlier times. *Babli* 6b.

72 *Is. 4:6*. A verse from prophets or hagiographs never can prove a commandment but is valid to verify common usage. *Babli* 6b

73 In all three derivations, the requirement of 3 or 4 walls is "rabbinic", i. e., an old common usage.

שתיים כהילכתו ושלשית אפילו טפח. רבי חייה בשם רבי יוחנן. שתיים  
שלארבעה ארבעה טפחים והשלשית אפילו טפח כשר. רב הושעיה בעי. אותו שכלטפח  
שנתנו באמצע מהו. חזר ואמר. אותו שלארבעה טפחים שנתנו באמצע מהו. רבי יעקב בר  
אחא. כהדין עובדא אתא קומי רבי יסא ואכשר. ותני כן. חצר שהעמודין מקיפין אותה הרי  
העמודים כדפנות. והא מתניתא פליגא. עשויות כהילכתו כשירות. שלא כהילכתו פסולות.

סָבְרִין מִימֵר בְּאַמְצֵעַ. אָמַר רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק. אֵילֹו שְׁלֹא כְּנָגַד אֵילֹו. רַב אָמַר. אוֹתָהּ שְׁלֹטְפָח צָרִיכָה שֶׁתִּהְיֶה מְשֻׁכָּה מִן הַכּוֹתֵל טַפַּח. שְׁמוּאֵל אָמַר. אֶפִּילוּ כְּנוּסָה כְּמָה רוֹאִין אוֹתָהּ כְּאֵילוּ הִיא יוֹצֵא. רַבִּי בָּא חִינָנָה בַּר שְׁלֵמְיָה רַב יִרְמְיָה בְּשֵׁם רַב. אֶפִּילוּ כְּנוּסָה כְּמָה רוֹאִין אוֹתָהּ כְּאֵילוּ הִיא יוֹצֵא. רַבִּי יַעֲקֹב בַּר אֲחָא אָמַר. רַבִּי יוֹחָנָן וְרַבִּי שְׁמַעוֹן בְּן לָקִישׁ. חֵד כְּהֵדִין וְחֵד כְּהֵדִין. כְּהֵנָּה וְאֵסָא עֲלוֹן וְהוּוֹן קוֹמִי רַב כְּהֵדָא דְשְׁמוּאֵל. רַבִּי יוֹדָה בַּר פִּזִּי בְּשֵׁם רַבִּי הוֹשִׁיעַ בֶּן לֹוי. וְהִיא שֶׁתִּהְיֶה נְתוּנָה בְּתוֹךְ שְׁלֹשָׁה טַפָּחִים כְּלָחִים.

And it was stated thus<sup>70</sup>: “Two regular and the third even one hand-breadth is qualified.” Rebbi Ḥiyya in the name of Rebbi Johanan: Two of four hand-breadths each and the third even one hand-breadth is qualified. Rav Hoshai asked, what if the one hand-breadth one is put in the middle<sup>74</sup>? He came back and asked, if one of the four hand-breadths ones was put in the middle<sup>75</sup>, how is it? Rebbi Jacob bar Aḥa: Such a case came before Rebbi Yasa and he qualified it. And it was stated thus<sup>76</sup>: “If a courtyard is enclosed by pillars, the pillars are like walls.” Does not a *baraita* disagree? If they are made according to the rules they are qualified, not according to the rules disqualified. They wanted to say, in the middle<sup>77</sup>. Rebbi Samuel bar Rav Isaac said, if these are not opposite those<sup>78</sup>. Rav said, that one of one hand-breadth must be removed from the wall by one hand-breadth<sup>79</sup>. Samuel said, even if it is arbitrarily close, one considers it as if distant<sup>80</sup>. Rebbi Abba, Ḥinena bar Shelemiah, Rav Jeremiah in the name of Rav: even if it is arbitrarily close, one considers it as if distant. Rebbi Jacob bar Aḥa said, Rebbi Johanan and Rebbi Simeon ben Laqish, one follows this one, the other one the other. Cahana and Assi came and asked before Rav following that of Samuel<sup>81</sup>. Rebbi Jehudah bar Pazi in the name of Rebbi Joshua ben Levi: Only if it is within three hand-breadths like a lathe<sup>82</sup>.

74 Normally one would expect that the two large walls form a right angle  $\Gamma$  with the third (rabbinic) rudimentary wall parallel to one of the larger ones. He asks whether the two large ones may be parallel and the third at right angles to them:  $\perp \_ \perp$ . Since up to three hand-breadths open space are disregarded, the distance between the two parallel walls can be up to 7 hand-breadths,

qualified according to everybody. Therefore the answer has to be positive.

75 That the shape is  $\perp \_ \perp$ . In this case there are three walls of 4 cubits each but the missing part is larger than 3 hand-breadths.

76 Tosephta 1:8. Since later the rule is compared to those for *erubin* and *kilaim*, one has to assume that on each side the total length of the open space is less than the sum

of the diameters of the columns (cf. *Eruvin* Chapter 1, Note 246.)

77 That “not according to the rules” means the small (rabbinic) wall in the middle.

78 A configuration like  $\begin{smallmatrix} | \\ \_ \\ | \end{smallmatrix}$  is disqualified.

79 As explained in Note 74, with the permitted empty spaces the theoretical space covered by the one hand-breadth wall must be 7 hand-breadths.

80 It is enough if one has one hand-breadth and adjacent three empty ones.

81 Since the answer is not given, we do not know Rav’s real position.

82 In order to be able to carry in a dead-end street (bordered by the walls of houses) with an *eruv*, the dead-end street must be separated from the public domain by a visible entrance. This can be effected either by making a symbolic door by putting a horizontal beam over the entrance (Note 6) or creating a symbolic entrance post by putting up a vertical lathe. As door-post it has to be on the wall bordering the street. According to our rules, “on” always means “within three hand-breadths.”

(52a line 40) רבי שמעון בן לקיש בשם רבי יוסי בן חנינא. נעץ ארבע קנים בארבע זוויות של כרם וקשר גמי מלמעלה מציל משם פיהא. אמר רבי יוחנן. כמחיצת שבת בן מחיצת כלאים. אמר רבי יוחנן. מעשה שהלך רבי יהושע בן קרחה אצל רבי יוחנן בן נורי לגינור והראהו שדה אחת ובית רתה היתה נקראת והיו שם פרצות יותר מעשר והיה נוטל [אע"פ] וסותם ודוקרנים וסותם עד שמיעטן פחות מעשר. אמר. כזה בן מחיצת שבת. אמר רבי זעורה. מודה רבי שמעון בן לקיש לעיניו שבת [שאין] הפיאה מצלת יותר מעשר. אמר רבי חגי. מתניתא אמרה [כן]. מקיפין שלשה חבליים זה למעלה מזה. אם אומר את שהפיאה [מצלת] יותר מעשר דיין חבל אחד.

<sup>83</sup>Rebbi Simeon ben Laqish in the name of Rebbi Yose ben Haninah: If one put in four poles at the four corners of a vineyard and connected them with a bast string on top, this saves as a symbolic fence<sup>84</sup>. Rebbi Johanan said, the rules of separation walls for the Sabbath are the rules for *kilaim*<sup>85</sup>. Rebbi Johanan said, it happened that Rebbi Joshua ben Qorhah went to Rebbi Johanan ben Nuri at Nagnigar<sup>86</sup>; he showed him a field called *Bet Rata* whose wall had parts torn down more than ten [cubits] wide. He took wood to insert, forked poles<sup>9</sup> to insert, until he reduced to less than ten. He said, just like that is a dividing wall for the Sabbath. Rebbi Ze'ira said, Rebbi Simeon ben Laqish agrees that on the Sabbath, a symbolic fence does not save more than ten<sup>87</sup>. Rebbi Haggai said, the Mishnah says so: “One may surround by three ropes one higher than the other.” If you say that the string saves, one rope would be sufficient<sup>88</sup>.

רבי יונה אמר. רב הושעיה בעי. הדיא פיאה מה אתא אמרת. מלמעלן. מן הצד. אין תימר. מלמעלן. כל-שכן מן הצד. אין תימר. מן הצד. הא מלמעלן לא. אין תימר. מלמעלן. ואתא אמר רבי חגי. אין תימר. מן הצד. לא אמר רבי חגי כלום. רבנו דקוסרין בשם רבי ירמיה. תיפתר בשעשוין כמין דקורים.

Rebbi Jonah said: Rebbi Hoshia asked, what do you say about that symbolic fence, on top or at the sides<sup>89</sup>? If you say on top, so much more on the sides. If you say on the sides, then not on the top. If you say on the top, Rebbi Haggai said it correctly<sup>90</sup>. If you say from the sides, Rebbi Haggai did not say anything<sup>91</sup>. The rabbis of Caesarea in the name of Rebbi Jeremiah: Explain it if they were strung on forked poles<sup>92,9</sup>.

רבי זעורא רבי אבדימא דחייפה בשם רבי שמעון בן לקיש. לגבוה אפילו עד מאה אמה. אמר רבי יודן. הדיא דאתא אמר. לענין כלאים. אבל לענין פיאה לא תהא פיאה גבוהה מן הקורה. אמר רבי יוסי. היא כלאים היא שבת. על דעתיה דרבי יוסה. מה בין פיאה מה בין קורה. קורה מצלת מרוח אחת. פיאה אינה מצלת עד שתהא מגופפת מארבע רוחותיה. ואתיא כהיא דאמר רבי זעורא בשם רב המנונא. פיאה אינה מצלת עד שתהא מגופפת מארבע רוחותיה.

Rebbi Ze'ira, Rebbi Eudaimon of Haifa in the name of Rebbi Simeon ben Laqish: In height even one hundred cubits<sup>93</sup>. Rebbi Judan said, that is, for *kilaim*, but as regards (Peah)<sup>94</sup>, a symbolic fence should not be better than a beam. Rebbi Yose said, it is the same for *kilaim* and Sabbath. According to Rebbi Yose, what is the difference between a beam and a symbolic fence? A beam saves in one direction<sup>95</sup>; a symbolic fence does not save from one side unless it is used to close all four sides;. This follows what Rebbi Ze'ira said in the name of Rav Hamnuna: A symbolic fence does not save unless it seals all four sides<sup>96</sup>.

אמר רבי בא בר ממל. טיטרפלויות שבכרמים אסור לטלטל תחתיהן מפני שהן סוף תקרה ואין סוף תקרה מציל משם [פיאה]. אמר רבי פינחס. אתא עובדא קומי רבי ירמיה בארבע עמודים ועליהם ארבעה פיסטליות. והתיר לטלטל תחתיהן משם פיאה. רבי בון ורבי בון בעון קומי רבי זעירא. פיאה מהו שתציל בסוכה. אמר לון. פיאה מצלת בסוכה. סוף סכך מהו שתציל בסוכה. אמר לון. אין סוף סכך מציל בסוכה. מה בין זה לזה. זה נעשה לקד. וזה אינו נעשה לקד. אמר רבי אבהו. כל-אילין מילא לענין משא ומתן. הא להורות אסור להורות. מה אם סוכה קלה אתא אמר אסור. שבת החמורה לא כל-שכן. רבי בון בר



חיינה בצא קומי רבי זעורה. מאן תנא. פיאה מצלת. לא רבי יוחנן בן נורי. אמר ליה. אדהי תנה.

It is forbidden to carry under the four-gated bowers<sup>97</sup> in vineyards<sup>98</sup> since they form the end of the roof and the end of a roof cannot save as a symbolic fence. Rabbi Phineas said, a case came before Rabbi Jeremiah of four pillars and on them four beams<sup>99</sup>; he permitted to carry under them because of a symbolic fence. Rabbi Abun and Rabbi Abun<sup>100</sup> asked before Rabbi Ze'ira, does a symbolic fence save in a *sukkah*<sup>101</sup>? He said to them, a symbolic fence saves in a *sukkah*. Does the end of the roofing save in a *sukkah*<sup>102</sup>? He said to them, the end of the roofing does not save in a *sukkah*. What is the difference between them? One is made for the purpose, the other one is not made for the purpose. Rabbi Abbahu said, all these things<sup>103</sup> are for discussion's sake, but as far as teaching, it is forbidden to teach it. If this is forbidden for the minor commandment of *sukkah*, so much more for the strict commandment of Sabbath! Rabbi Abun bar Hiyya asked before Rabbi Ze'ira: Is not the Tanna, according to whom a symbolic fence saves, Rabbi Johanan ben Nuri? He said to him, that is the Tanna<sup>104</sup>.

83 The following text is both in *Kilaim* 4:4 (Notes 51-81) and in *Eruvin* Chapter 1 (Notes 256-283). Cf. Babli *Eruvin* 11a.

84 In Tractates *Kilaim* and *Eruvin* the word פיאה does not mean "corner" as in biblical Hebrew and in Tractate *Peah* but a wire or string strung as a symbolic fence around a field or a vineyard to separate it from the neighboring one, or around a town to make it a "walled" town for the rules of the Sabbath. The imaginary fence represented by the string "saves" from the prohibition of *kilaim*.

85 In the Babli *Eruvin* 11a/b, the statement of R. Simeon ben Laqish in the name of R. Jehudah (not Yose) ben Haninah explicitly excludes the expedient of the bast rope as *peah* for the Sabbath, but R. Johanan excludes it also for *kilaim*. R. Simeon ben

Laqish is reported there to accept for himself the statement attributed here to R. Johanan, that the rules for Sabbath and *kilaim* are identical, whereas R. Johanan rejects this in general. The position of the Babli is that R. Simeon ben Laqish only reports the opinion of R. Judah ben Haninah without accepting it himself, and that R. Johanan prohibits the use of a rope for openings wider than 10 cubits. The Yerushalmi accepts R. Simeon ben Laqish's statement as describing his own position.

86 A place in lower Galilee of unknown location.

87 The string represents a gate, not a wall. The maximum size of a gate accepted for the rules of the Sabbath is 10 cubits wide.

88 This refers to Mishnah *Eruvin* 1:9. A

caravan which is preparing to rest for the Sabbath marks a rectangular domain by putting camel loads at four corners and drawing ropes around it. There must be three ropes, distant not more than 3 hand-breadths one from the next, which together constitute a wall of 10 hand-breadths high. The caravan clearly wants more space for animals and people than 10 by 10 cubits; they need a surrounding wall, not a surrounding gate. If it is possible to symbolize a wall with one rope, why does one need three?

89 If four poles are put up at the four sides of the vineyard, does the string have to go from top to top, to create the impression of a gate, or is it strung at half height between the poles, to give the impression of a wall?

90 Since Mishnah *Eruvin* 1:9 does not require the lowest rope to be within three hand-breadths of the ground, it is clear that even if the rows are strung high one needs three ropes rather than just one.

91 If the rope must be low, the case of פִּיטָה is different from that of the Mishnah.

92 If the poles have separate hooks so that each side has a complete arrangement of poles and rope, then even R. Ze'ira will admit that the rope forms a valid enclosure for the Sabbath. In this case, by necessity the rope is only on top. In this, the Yerushalmi parallels the final explanation of the Babli 11b, rejecting symbolic walls but accepting symbolic gates.

93 If a rope is drawn from the top of one pole to the next, there are no height limitations (except, naturally, that it cannot be lower than 10 hand-breadths.)

94 For "*peah*" read with the parallels: "the Sabbath".

95 Beam or lath are needed only at the entrance to the alley.

96 The problem is not discussed in the Babli.

97 Greek τετράπυλον, τό, "archway entered from four sides." Bowers erected at the crossing of two paths, with only the posts and the connecting beams built, and the roof formed by plants climbing on the poles. Rebbi Abba bar Mamal considers these beams as cross beams under which one may not carry in a dead-end street on the Sabbath.

98 The vineyard in question is not enclosed by a wall, or it is enclosed but too large (larger than 5000 square cubits) to be considered a courtyard for the rules of Sabbath; hence, one may carry under the roof of the bower but not outside.

99 Greek ἐπιστόλιον, τό, "architrave."

100 In *Kilaim* "R. Bun and the rabbis." S. Liebermann points out that in *Terumot* 11:4 (Note 88) for the Leiden text "R. Abun asked (verb in plural)" the Rome ms. reads: "R. Abun and R. Abbin asked". This probably should be read here also, as it is later in this Chapter.

101 The *sukkah* must have roofing of plant material. The walls may be made of any material. The question is whether a virtual wall is permitted.

102 Since the roofing must have some support, the four corner posts of the *sukkah* must have some connection on which the roofing may rest. Can these connections be considered as *peah*, following R. Jeremiah in the preceding case?

103 The rulings of R. Ze'ira. Building a *sukkah* is a positive commandment but neglecting it is not punishable in court. But desecrating the Sabbath is a capital crime.

104 Hence, in regard to the Sabbath this is the opinion of a minority of one, which cannot be operational practice.

(52a line 74) נמצאת אומר לענין כלאים. כל הפחות משלשה קטנים. משלשה ועד ארבעה. אם העומד רבה על הפרוץ מותר. ואם הפרוץ רבה על העומד אסור. מארבעה ועד עשר. אם העומד רבה על הפרוץ מותר. ואם הפרוץ רבה על העומד. כנגד העומד מותר. כנגד הפרוץ אסור. יותר מעשר. אף על פי שהעומד רבה על הפרוץ. כנגד העומד מותר. כנגד הפרוץ אסור.

לענין שבת. כל הפחות משלשה קטנים. משלשה ועד ארבעה. מארבעה ועד עשר. אם העומד רבה על הפרוץ מותר. ואם הפרוץ רבה על העומד אסור. יותר מעשר. אף על פי שהעומד רבה על הפרוץ אסור. רבי חנניה רבי יודה בר פזי בשם רבי יוחנן. לית פאן משלשה ועד ארבעה. יש פאן פירצה שלשה. אין פאן מקום ארבעה. מתיב רבי מנא. והתנינן. מקיפין בקנים. וקנה יש לו מקום. אמר ליה. לא תתיבני פחות משלשה. שכל הפחות משלשה קטנים הוא. רבי יוסי בירבי בון בשם רב. מכל מקום. מכין שהעומד רבה על הפרוץ מותר.

<sup>105</sup>It turns out that concerning *kilaim* everything less than three {hand-breadths} is considered closed<sup>106</sup>. From three to four, if what is standing is more than what is torn down it is permitted, but if what is torn down is more than what is standing, it is forbidden. From four {hand-breadths} to ten {cubits}, if what is standing is more than what is torn down, it is permitted; but if what is torn down is more than what is standing it is permitted where it is standing<sup>107</sup>, forbidden where it is torn down.

Concerning the Sabbath, everything less than three {hand-breadths} is considered closed. From three to four, and from four {hand-breadths} to ten {cubits}, it is permitted if what is standing is more than what is torn down, but forbidden if what is torn down is more than what is standing. More than ten, it is forbidden even though what is standing is more than what is torn down. Rabbi Hananiah, Rabbi Judah bar Pazi, in the name of Rabbi Johanan: There is no “from three to four.”<sup>108</sup> There is a hole of three and no place of four! Rabbi Mana objected: Did we not state<sup>109</sup>: “One surrounds with sticks,” does a stick form a place<sup>110</sup>? He said to him, do not object to me from a breach less than three hand-breadths, since anything less than three is considered closed!

Rebbi Yose ben Rebbi Abun in the name of Rav: In any case, since what is standing is more than what is torn down, it is permitted<sup>111</sup>.

105 This paragraph from *Kilaim* 4:4 (Notes 82-87) also is found in *Eruvin* Chapter 1 Notes 246-251. The *baraita* is similar to Tosephta *Kilaim* 4:6 quoted also in Babli *Eruvin* 16a. The main difference between Yerushalmi and Babli-Tosephta is that in the latter source, each breach has to be smaller than the surrounding wall whereas in the Yerushalmi only the total length of standing wall has to be larger than the total length of the missing parts.

The problem of *kilaim* addressed here is that grain must be separated from vines by at least 4 cubits. If the farmer wants to sow grain close to his vineyard, he has to fence off the vineyard by a wall. The question is, what is called a wall?

106 As noted before, an opening of less than three hand-breadths in a wall is disregarded; in computing the total length of the torn-down parts, breaches smaller than three hand-breadths in width are disregarded.

107 The Babli notes that not only are breaches up to three hand-breadths long disregarded as holes, but also standing pieces of wall up to three hand-breadths wide are disregarded as walls. This is the background of the discussion later in this paragraph.

108 R. Johanan wants to eliminate the

middle part of the *baraita*, the one dealing with breaches of between three and four hand-breadths, in case that the standing walls also are in pieces less than four hand-breadths wide. While a hole wider than three hand-breadths is considered a breach, a wall narrower than four hand-breadths is not a wall. In that case, there are only holes and no wall at all; the entire wall should be considered as non-existent! He requires in this case that any sown field should be at least four cubits distant from the vineyard.

109 Mishnah *Eruvin* 1:10. The caravan instead of using horizontal ropes may use vertical sticks on condition that the distance between two sticks not be larger than 3 hand-breadths.

110 Since the sticks are counted and no stick is even one hand-breadth wide, any piece of wall should be considered a wall. The answer is that as long as no two sticks are three hand-breadths distant from each other, the entire dividing fence is considered one solid wall.

111 This explicitly rejects the text of Babli/Tosephta, that no single hole may be wider than both adjacent pieces of standing wall; the wall is valid as long as the combined length of standing wall (of at least 4 hand-breadths length) is larger than the combined length of the breaches.

52b line 11) רֹאשִׁי פֶסֶל הַיּוֹצֵאִין מִן הַסּוּכָה גִּידוּנִין כְּסוּכָה. רַבִּי חִוּנָּה בְּשֵׁם רַבְּנָן דִּתְמָן. וּבִלְבָּד עַל פְּנֵי כוֹלָה. רַבִּי יַעֲקֹב בְּרִי אֶחָא רַבִּי יְסָא רַבִּי יוֹחָנָן בְּשֵׁם רַבִּי הוֹשַׁעְיָה. וְאַפִּילוּ כִּנְגֵד הַדּוֹפֵן. רַבִּי יַעֲקֹב בְּרִי אֶחָא רַבִּי חִיָּא רַבִּי יוֹחָנָן בְּשֵׁם רַבִּי הוֹשַׁעְיָה. וְאַפִּילוּ שְׁלֹא כִּנְגֵד הַדּוֹפֵן.

על דעתיה דרבי יסא ויחא. על דעתיה דרבי חייה בר בא. מה היסקלתה בה. חמיתה מרובה מצילתה.

Excess sticks that exceed the *sukkah* are considered part of the *sukkah*<sup>112</sup>. Rabbi Huna in the name of the rabbis there: Only if it is on the entire front<sup>113</sup>. Rabbi Jacob bar Aha, Rabbi Yasa, Rabbi Johanan in the name of Rabbi Hoshai: Even at a wall. Rabbi Jacob bar Aha, Rabbi Hiyya, Rabbi Johanan in the name of Rabbi Hoshai: Even not at a wall<sup>114</sup>. In the opinion of Rabbi Yasa it is understandable<sup>115</sup>. In the opinion of Rabbi Hiyya bar Abba, how could you be lenient in this if its sunshine is more than its shade<sup>116</sup>?

112 Babli 19a.

walls of equal length, L, and the sticks complete the rectangle.

113 The *sukkah* has three regular walls, II; the fourth side forms the entrance door with a rod on top supporting the thatching. Sticks forming the roof stick out over this rod in a uniform way. Sitting under the rods outside the rod is counted as sitting in the *sukkah*.

115 This is the case discussed earlier, Note 74.

116 The people sitting outside are not sheltered by any walls and may be exposed to the sun.

114 If the *sukkah* does not have parallel

(52 line 17) וכשחמיתה מרובה מצלתה פסולה. הא מחצה למחצה כשירה. סוכה מדובלת שצילתה מרובה מחמיתה כשירה. הלא את אמר כשירה. והלא את אמר פסולה. רבנן דקיסרין רבי יצחק בר נחמן בשם רבי הושעיה. שנייא היא באילן שדרכו לפסע.

“Or where the sunshine is larger than the shade is disqualified;” therefore half and half is qualified. “A wilted *sukkah*<sup>117</sup> whose shade is more than its sunshine is qualified.<sup>118</sup>” Here you are saying it is qualified, there you are saying it is disqualified. The rabbis of Caesarea, Rabbi Isaac bar Nahman in the name of Rabbi Hoshai: It is different for a tree which usually is spreading<sup>119</sup>.

117 Arabic דלל “wilting”. Probably it does not mean actually wilting but apt to wilt.

half is disqualified.

118 Mishnah 2:3. If it only is qualified if the shade is more than the sunshine, half and

119 If the material used for the thatching is apt to wilt, one has to be restrictive from the start.

(52b line 21) סוכה הישנה בית שמאי פוסלין ובית הלל מכשירין. תני. צריך לחדש בה דבר. חביריא אמרי. טבח. רבי יוסה אומר. כל ששהוא. מאן דאמר. כל ששהוא. ובלבד על פני כולה.

אף במצוה כן. מצוה הישנה תפלוגתא דבית שמי ודבית הלל. אמר רבי יוסה. דברי הכל היא. מכין שלא עשאיה לשם פסח דבר בריא שלא דיקדק בה. סוכת הרואים סוכת היוצרים כשירה. סוכת הכותים. עשויה כהילכתה כשירה. שלא כהילכתה פסולה.

“The House of Shammai disqualify an old *sukkah*, but the House of Hillel qualify it.” It was stated: One has to renew something in it. The colleagues say, one hand-breadth; Rabbi Yose says, anything. He who says anything, but along the entire length. Is it the same with an old *mazzah*? Is an old *mazzah* a disagreement between the House of Shammai and the House of Hillel? Rabbi Yose said, it is everybody’s opinion; since he did not make it for Passover it is certain that he was not careful about it<sup>120</sup>. A *sukkah* of shepherds<sup>121</sup>, a *sukkah* of potters is qualified. A *sukkah* of Samaritans, if it is made according to the rules<sup>122</sup> is qualified, not according to the rules is disqualified.

120 An old *mazzah* is one baked before Passover. Tosephta *Pesahim* 2:21 permits the use of old *mazzah* if it was baked for Passover use. Cf. *Pesahim* 2:4, Note 240.

121 Is disqualified in Tosephta 1:4, but as

the Babli 8b explains for potter’s *sukkah*, if the thatching of the roof was made expressly for the holiday, every kind of *sukkah* is qualified.

122 For the thatching of the roof. Babli 8b.

(52b line 27) העושה סוכה לעצמו מהו אומר. ברוך אשר קדשנו במצותיו וצונו לעשות סוכה. לאחר. לעשות סוכה לשמו. נכנס לישוב בה אומר. ברוך אשר קדשנו במצותיו וצונו לישוב בסוכה. משהוא מברך עליה בלילי יום טוב הראשון אינו צריך לברך עליה עוד מעתה. חנין בר בא בשם רב. מכין שחשיכה מהו שיהא צריך להזכיר זמן. רב הושעיה אמר. צריך להזכיר זמן. רבי אילא אמר. צריך להזכיר זמן. רבי זבידה אמר. צריך להזכיר זמן. רבי חניה בר אבא עבד לה שמועה. רבי זעורה רבי יצחק בר נחמן בשם רבי הושעיה רבי יודה בר פזי בשם רבי חמה אבוי דרבי אושעיה. מכין שחשיכה צריך להזכיר זמן.

One<sup>123</sup> who makes a *sukkah* for himself, says: “He Who sanctified us by His commandments and commanded us to make a *sukkah*.” For others: “to make a *sukkah* in that one’s name<sup>124</sup>.” If he enters it, he says: “Praise to Him Who sanctified us by His commandments and commanded us to dwell in a *sukkah*.” After he recited the benediction in the first night of the holiday he does not have to recite it again<sup>125</sup>. Hanin bar Abba in the name of Rav: Does one have to mention the time after nightfall<sup>126</sup>? Rav Hoshia said, one has to mention the time. Rabbi Ila said, one has to mention the time. Rabbi Zevida said, one has to mention the time. Rabbi Hiyya bar Ada formulated it as a

tradition: Rabbi Ze'ira, Rabbi Isaac bar Nahman, Rabbi Hoshaia, Rabbi Jehudah bar Pazi in the name of Rabbi Hama the father of Rabbi Oshaia: After nightfall one has to mention the time.

123 The first sentences are also in *Berakhot* 9:3 (Notes 182-184). There is a similar statement in Tosephta *Berakhot* 6:9 which is quoted in Babli *Sukkah* 46a; the note about the benediction when making a *sukkah* for somebody else is found only here. Hence, the source here is not the Tosephta which also starts with a general declaration that: "A person performing any commandment recites a benediction over it." The practice of the Babli does not follow the discussion in *Sukkah* 46a but a statement in *Menahot* 42b that no benediction is due for a preparatory action, such as making the *sukkah*, but only for the required act itself such as living in the *sukkah*.

124 One has to pronounce the recipient's name at the place reserved for "that one's name."

125 In the Babli (*loc. cit.*), this is the opinion of the Babylonian Samuel, supported by the Tosephta. In the name of the Galilean R. Johanan, it is reported that one has to recite the benediction every day. Since R. Johanan is a higher authority than Samuel, Babylonian practice followed what there is declared to be Galilean.

126 The benediction required on all holidays, "Who has kept us alive, maintained us, and enabled us to reach this festive time."

מִשְׁנָה ג: הָעוֹשֶׂה סִיכְתּוֹ תַּחַת הָאֵילָן בְּאֵילוֹ עֲשָׂאָהּ בְּתוֹךְ הַבֵּית. סִיכָה עַל גִּבִּי סִיכָה הָעֲלִיזָה כְּשִׁירָה וְהַתְּחַתּוֹנָה פְּסוּלָה. רַבִּי יְהוּדָה אָמַר אִם אֵין דִּירִין בְּעֲלִיזָה הַתְּחַתּוֹנָה כְּשִׁירָה: (fol. 51c)

**Mishnah 3:** If one makes his *sukkah* under a tree it is as if he made it in the house<sup>127</sup>. One *sukkah* on top of the other, the upper one is qualified and the lower one disqualified. Rabbi Jehudah says, if there are no dwellers in the upper one the lower is qualified.

127 It is disqualified since part of the shade comes from the leaves of the tree which still are connected to the ground and vegetal

matter connected to the ground is disqualified (Mishnah 5.)

הֲלָכָה ב: שְׁנֵי סִיכְכִין זֶה עַל גִּבִּי זֶה. הָעֲלִיּוֹן חֲמִטּוֹ מְרוּבָה מְצִילָתוֹ. הַתְּחַתּוֹן אֵין חֲמִטּוֹ מְרוּבָה מְצִילָתוֹ. עַל יָדֵי זֶה וְעַל יָדֵי זֶה צִילָתוֹ מְרוּבָה מְחַמֵּטוֹ. כִּמְהָ זֶה בְּיָהֳרָה וְיִצְטָרֶפָה. (52b line 36)

תָּרִין אֲמֹרִין. חֵד אֲמֹר. עֲשֶׂרָה. וְחֵד אֲמֹר. אַרְבָּעָה. מְתִיב מָאן דְּאֲמֹר עֲשֶׂרָה לְמָאן דְּאֲמֹר  
אַרְבָּעָה. מִשָּׁם אֵהָל. מִצָּאֵנוּ אוֹהֶל שֶׁהוּא טָפַח.

**Halakhah 2:** Two thatched roofs one on top of the other, the upper one has more sunshine than shade, the lower one has not more sunshine than shade<sup>128</sup>. Together, their shade is more than their sunshine. How much may be between them so that they combine? Two Amoraim, one said, ten, the other one said, four<sup>129</sup>. The one who said ten objected to the one who said four: because of a tent? We find a tent which is one hand-breadth<sup>130</sup>.

128 This is not the case of the Mishnah, since there one must presume that both roofs are qualified with more shade than sun. Here the question is when thatching in layers is considered to constitute one roof.

129 Since the numerals are in the masculine, all measures are hand-breadths.

130 Mishnah *Ahilut* 3:7. In matters of impurity of the dead, one cubic hand-breadth is considered a tent. The minimum height of a *sukkah* is ten hand-breadths. Therefore we find 1 or 10 units as legitimate requirements, but not 4. Babli 10a.

(52b line 41) רַבִּי יְהוּדָה אוֹמֵר אִם אֵין דְּיוֹרִין בְּעֵלְיוֹנָה הַתַּחְתּוֹנָה כְּשִׁירָה: מָה. דְּיוֹרִין מִכּוּשׁ אוֹ  
אַפִּילוּ רְאוּיָה לְדִעְרִין. מִן מָה דְּתֵנָּא חֵד סָב קוּמִי רַבִּי זְעִירָה. וְאַפִּילוּ הַתַּחְתּוֹנָה כְּשִׁירָה: לֵית  
בָּר נֶשׁ אֲמֹר. אֶפִּילוּ. אֶלָּא דְּהוּא מוֹדָה עַל קְדָמִיָּתָא. הֵדָּא אֲמַרְה. דְּיוֹרִין מִכּוּשׁ.

“Rebbi Jehudah says, if there are no dwellers in the upper one the lower is qualified.” What? Really dwellers or even appropriate for dwellers<sup>131</sup>? Since an old man stated before Rebbi Ze’ira, “even the lower one is qualified,” there is nobody who says “even” if he does not agree with the preceding. This implies really dwellers<sup>132</sup>.

131 Does R. Jehudah disqualify the lower *sukkah* only if there are people in the upper one or even if there are none but they could

be (i. e., if somehow the upper one has a floor)?

132 Rejected by the Babli 10a.

(fol. 51c) **משנה ד:** פִּירָם עָלֶיהָ סְדִין מִכּוּשֵׁי הַחֲמֶה אוֹ תַּחְתֶּיהָ מִכּוּשֵׁי הַנֶּשֶׁר אוֹ שְׁפִירָם עַל גִּבִּי  
הַקִּינּוֹף פְּסוּלָה. אֲבָל פּוֹרֵם הוּא עַל גִּבִּי נִקְלִימִי הַמְטָה:



**Mishnah 4:** If he spread a sheet over it because of the sun, or under it because of fallen leaves<sup>133</sup>, or if he spread it over the posts of a four-post bed<sup>134</sup>, it is disqualified. But one may spread it over single posts<sup>135</sup> of the bed.

133 Nothing which may become impure can be used as material for thatching the roof, Mishnah 1:12. Therefore a textile sheet spread either on top or below the thatched roof disqualifies.

134 Greek κωνοπέδον, τό, Latin *conopium*, a bed with mosquito curtains. The ceiling of a four-post bed is horizontal; it creates a ceiling below the roof and disqualifies all

space below it.

135 Greek ἀνάκλιτα “things to lean on”. Poles in the middle of headboard and foot-end of the bed with a rod connecting them. The mosquito net spread over them forms on both sides a slanting roof which is disregarded since for the majority a slanting roof is not qualified for the *sukkah*, Mishnah 1:12.

הלכה ג: (52b line 45) תני תילה בה קטיות פשיטה. אמר רבי חנניה. הדיא דאית אמר. מן הצד. הא מלמעלה פסולה. או תחתיה מפני הנשר. אמר רבי יוסה. לא אמרו אלא מפני הנשר. הא שלא מפני הנשר פשיטה. אבל פורש הוא על גבי ניקליטי המיטה: רבי ביבי בשם רבי יוחנן. שכן הוא עושה חלל באצילי נדיו.

**Halakhah 3:** It was stated: if he hung there quilts<sup>136</sup> it is qualified. Rabbi Ḥanina said, that you are saying on the sides<sup>137</sup>, but on top it is disqualified.

“Or under it because of fallen leaves.” Rabbi Yose said, they only said, “because of fallen leaves.” Therefore if not because of fallen leaves it is qualified<sup>138</sup>.

“But one may spread it over single posts of the bed.” Rabbi Bevai in the name of Rabbi Johanan: Since so he makes space with the extremities of his hands<sup>139</sup>.

136 Sheets sewn together from rectangular pieces of cloth.

137 Decorating the walls, not under the roofing. Babli 10b.

138 For decoration, not utility. He disagrees with R. Ḥanina. Explained otherwise Babli

10a.

139 Since when he sleeps in the *sukkah* he may lift the sheet, or the mosquito net, with his fingers, it is not different from the net hanging down in an incline.

**משנה ה:** הִדְלָה עָלֶיהָ אֶת הַגֶּפֶן אֶת הַדִּלְעָת וְאֶת הַקִּיסוֹס וְסִיכָהּ עַל גֶּבֶן פְּסוּלָה. אִם הָיָה הַסִּיכָה הַרְבֵּה מִזֶּהן אוֹ שֶׁקָּצְצוּ בְּשִׁירָתָהּ. וְזֶה הַכֵּלָל דָּבָר שֶׁהוּא מְקַבֵּל טוּמְאָה וְאִין גִּידוּלָיו מִן הָאָרֶץ אִין מְסַבְּכִין בוֹ. וְכֹל־דָּבָר שֶׁאִינוּ מְקַבֵּל טוּמְאָה וְגִידוּלָיו מִן הָאָרֶץ מְסַבְּכִין בוֹ:

**Mishnah 5:** If he drew over it a vine, or squash, or ivy<sup>140</sup>, and used it as roofing, it is disqualified. But if the roofing was more than these<sup>141</sup> or he cut them off from their roots<sup>142</sup> it is qualified. This is the principle: One does not thatch with anything which may become impure or is not grown from the earth. But with anything which may not become impure and is grown from the earth one does thatch.

140 Greek κισσός, 'o.

connected to the ground.

141 If cut vegetal material was more than

142 Even after the roof is finished.

50% of the thatching and the remainder still

(52b line 50) **הלכה ד:** רבי בא בשם רב. והוא שִׁידְלָה אוֹתָן (לְכָאוֹ) [לְקָדָה]. רבי יַעֲקֹב בַּר אֲחִיזָא בשם רבי זְעִירָא. צָרִיד לִנְעֻנֵּעַ. אָמַר רבי יוֹסֵה. תִּרְתִּיחוּן לְקוּלָא. הִידְלָה אוֹתָן (לְכָאוֹ) [לְקָדָה] אַף עַל פִּי שְׁלֹא נִעְנַע. נִעְנַע אַף עַל פִּי שְׁלֹא הִידְלָה אוֹתָן (לְכָאוֹ) [לְקָדָה]. רבי בא חִינְנָא בַּר שְׁלֵמְיָא רב יְרֵמְיָה בְּשֵׁם רב. סִיכָה בְּשִׁלְבִיּוֹת (בְּשִׁירָה) [פְּסוּלָה]. בְּזָכְרִים בְּשִׁירָה. בְּנִקְיבוֹת פְּסוּלָה. סִיכָה בְּאַנְיָצִי פִּשְׁתָּן פְּסוּלָה. בְּהוֹצָנִי פִּשְׁתָּן בְּשִׁירָה. סִיכָה בְּחִבְלִים. אֵית תַּנְי תַּנְי. בְּשִׁירָה. וְאֵית תַּנְי תַּנְי. פְּסוּלָה. קָאן דָּמַר. בְּשִׁירָה. בְּחִבְלִים שְׁלָסִיב. וּמָאן דָּמַר. פְּסוּלָה. בְּחִבְלִים שְׁלָפִשְׁתָּן.

**Halakhah 4:** Rabbi Abba in the name of Rav: Only if he drew them (on the spot) [for this purpose]. Rabbi Jacob bar Aḥa in the name of Rabbi Ze'ira: He needs to move it. Rabbi Yose said, both of them are for leniency. If he drew them (on the spot) [for this purpose] even if he did not move it; if he moved it even if he did not draw them (on the spot) [for this purpose]<sup>143</sup>.

Rebbi Abba, Hinena bar Shelemia, Rav Jeremiah in the name of Rav: If he used steps of ladders for roofing it is (qualified) [disqualified]<sup>144</sup>. Male parts, it is qualified<sup>145</sup>. Female parts, it is disqualified<sup>146</sup>. If he roofed with bundles of flax<sup>147</sup>, it is disqualified, with raw flax it is qualified. If he roofed it with ropes, there are Tannaim who state, qualified, and there are Tannaim who state, disqualified. He who said qualified, with bast ropes<sup>148</sup>; but he who said disqualified, with linen ropes.

143 Creepers used for roofing become qualified after being cut from their roots only if either they were put there for this purpose or were moved after cutting.

144 Wooden ladders are implements and as such subject to impurity. Steps are shaped at the ends; while they have no concavity which would make them susceptible to impurity, they are implements not to be

used.

145 Wooden parts which are straight rods are impervious to impurity.

146 Wooden parts with cavities are subject to impurity.

147 Bleached flax is subject to impurity as textile.

148 Made from palm bast which is not considered textile.

הַלְכָה ה': אָמַר רַבִּי יוֹחָנָן. בְּאַסְפָּף מִגֶּרֶן וּמִקֶּבֶד. מִפְּסוּלֵת שְׂבִיגוֹר וְשְׂבִיבָא אֶת עוֹשָׂה לָךְ סִכָּךְ. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. וְאִיד עֲלֵה מִן־הָאֶרֶץ. אָמַר רַבִּי תַנְחוּמָה. דִּין כְּדַעְתִּיהָ וְדִין כְּדַעְתִּיהָ. רַבִּי יוֹחָנָן דִּין אָמַר. עֲנִיִּים מִלְמַעְלָה הֵי. דִּין לִי לָהּ מֵאֲסָפָה. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. עֲנִיִּים מִלְמַטָּן הֵי. דִּין לִי לָהּ מֵאֲסָפָה. רַבִּי יוֹחָנָן דִּין אָמַר. עֲנִיִּים מִלְמַטָּן הֵי. דִּין לִי לָהּ מֵאֲסָפָה. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ דִּין מִדְּמֵי כְּדַעְתִּיהָ. רַבִּי יוֹחָנָן דִּין מִדְּמֵי לָהּ בְּמִשְׁלַח לְחִבְרֵי חֲבִית וְקִנְקָנָה. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ דִּין מִדְּמֵי לָהּ כְּהֵן דְּאָמַר לְחִבְרֵי. שְׁלַח קוֹפֶתֶךָ וְסֵב לָךְ חֵיטִין.

**Halakhah 5:** Rabbi Johanan said, *when you collect from your threshing floor and your wine press*<sup>149</sup>. From the waste of the threshing floor and the wine press you make your thatching<sup>150</sup>. Rabbi Simeon ben Laqish said, *and mist rose from the earth*<sup>151</sup>. Rabbi Tanḥuma said, each of them follows his own opinion. Rabbi Johanan who said that the clouds were above infers it from *when you collect*. Rabbi Simeon ben Laqish who said that the clouds were below infers it from the clouds. Rabbi Abbin said, each of them follows his own opinion. Rabbi Johanan compares it to one who sends to another an amphora and its pitcher. Rabbi Simeon ben Laqish compares it to one who says to another, bring your box and take wheat for yourself<sup>152</sup>.

149 *Deut.* 16:13.

150 The verse in *Deut.* describes the festival of Tabernacles which, as the name indicates, is characterized by the obligation to dwell in a *sukkah*. The verse hints at the rule of the Mishnah that the roof of the *sukkah* has to be made from agricultural waste (which is grown from the earth but as waste is not subject to impurity even if cut and wetted. It is possible that R. Johanan reads אֶסַף like

Arabic “to have regret” to have waste rather than usable produce.) Babli 12a.

151 *Gen.* 2:6. This refers to the standard interpretation of *Lev.* 23:43 that the Children of Israel dwelt in huts in the desert, when in reality they dwelt in tents. Therefore the ‘huts’ are taken as the Divine cloud cover which shielded the encampment (as spelled out in the Targumim to *Lev.* 23:43), which R. Simeon ben Laqish takes as formed by

mist from the earth; thatching has to imitate the cloud cover arising from the earth. Babli 11b.

152 R. Johanan also agrees that the roof of the *sukkah* has to symbolize clouds. He does not agree that clouds are generated by mist from the earth but are sent by God to

give rain to the farmers. R. Simeon ben Laqish is presumed to think that clouds are generated by the earth and then filled with rain by God. Both agree that the *sukkah* is a charm to assure abundant rain in the coming wet season. Detailed argument *Gen. rabba* 13(10).

(fol. 51c) **משנה ו:** חבילי קש וחבילי עצים וחבילי זרדים אין מספקין בהן. אם התירן בשירות. וכו' בשירות לדפנות:

**Mishnah 6:** One does not thatch with bundles of straw, and bundles of wood, and bundles of shoots<sup>153</sup>; but all of them are qualified if untied. All of them are qualified as walls.

153 The soft shoots of vines which are inedible.  
edible, in contrast to wood which is hard and

(52b line 66) **הלכה ו:** רבי חייה בשם רבי יוחנן. מפני שהיא נראית כאוצר.

**Halakhah 6:** Rabbi Hiyya in the name of Rabbi Johanan: Because it looks like storage<sup>154</sup>.

154 Tied straw and wood is as impervious to impurity as is untied. The reason one may not use bundles is that this is the way the materials are stored; the prohibition is rabbinic because it makes the roof look like a depository and not like a roof or, as the

Babli 12a explains, one might use the space as depository and later change one's mind and make it the roof of a *sukkah*; then the roof was not made for the holiday and as such is disqualified.

(52b line 67) רבי יעקב בר אביי רב ששית בשם רבי חייה רבה. אין חבילה פחותה מעשרים וחמשה. חינוך בר שלמיה בשם רב. קצר לסכך אין להן דעות. קצר לסכך וחישוב עליהן למאכל בא במחשבה. קצר למאכל וחישוב עליהן לסכך. אחרים אומרים. עד שיהא הקש רבה על האוכל ועל היד. רב פהדא דאחרים. מה אנו קיימין. קצר לסכך והוכשרו ואמר. לכשייעשו מצותן אחזרים לגורן. צריכין הכשר פנים שניה או כתר הכשרין בגין. רבי יסא בשם רבי חמא בר חנינה. וסכך על הארץ את הפירות: מכן שהדופן קרוי סכך. מכן שעושין דפנות בדבר שהוא מקבל טומאה.

Rebbi Jacob bar Abbaya, Rav Sheshet in the name of the Great Rebbi Hiyya: There is no bundle with less than twenty-five<sup>155</sup>. Hinena bar Shelemia in the name of Rav: If he cut for roofing it has no handles<sup>156</sup>. If he cut as roofing and then intended it as food it follows his thought<sup>157</sup>. If he cut for food and then intended it as roofing? Others say, only if the straw is more than the food and the handles<sup>158</sup>. Rav follows the others. Where do we hold? If he cut for roofing but it became prepared and he said, after they will have fulfilled the commandment I shall bring them back to the threshing floor, do they need preparation a second time or are they already prepared<sup>159</sup>?

Rebbi Yasa in the name of Rebbi Hama bar Hanina: *You shall cover the Ark with the cover*<sup>160</sup>. From here that the wall is called cover. From here that one makes walls with matter susceptible to impurity<sup>161</sup>.

155 Therefore small bundles may be used as roofing when still tied.

156 In general, only edible produce can become impure. But inedible stems to which produce is attached transmit impurity to the produce; the detailed rules are given in Tractate *Uqesin*. It is stated here that if grain is cut as roofing, the straw only has to be more than the grain kernels. No inedible part of the stalk has to be compensated for. Babli 13b.

157 And become disqualified as roofing by his thought.

158 The shells and the ends of the stalk also have to be compensated for by straw. Babli 13b.

159 In general, produce becomes susceptible to impurity only by contact with fluid desired by or desirable for the owner. This is called "preparation for impurity", cf.

*Demay* 2:3, Note 141.

The question is not answered. Therefore it is possible that the material is susceptible for impurity, disqualified as roofing, and prepared for impurity as food. No answer is support for the second alternative. Babli 13b.

160 Misquote of *Ex.* 40:3; scribal error. Instead of "cover" it must be "gobelin". Since the gobelin was the dividing wall between the Ark and the interior of the Tent, the intended meaning is: *You shall hide the Ark behind the gobelin*.

161 Since the root כח is used, it follows that all that is acceptable as roofing a *sukkah* is acceptable as wall. Since the gobelin is mentioned which is susceptible to impurity, walls may be made from matter susceptible to impurity. Babli 7b.

(fol. 51c) **משנה ז:** מִסְכָּכִין בְּנִסְכָּרִים דְּבָרֵי רַבִּי יְהוּדָה וְרַבִּי מֵאִיר אוֹסֵר. נָתַן עָלֶיהָ נֶסֶךְ שֶׁהוּא רָחֵב אַרְבָּעָה טַפְחִים כְּשִׁירָה וּבִלְבָד שְׁלֹא יִישֹׁן תַּחְתָּיו:

**Mishnah 7:** One may use planks as roofing, the words of Rabbi Jehudah, but Rabbi Meir forbids. If he put there a plank four hand-breadths wide it is qualified on condition that he not sleep under it<sup>162</sup>.

162 Everybody agrees that a plank 4 hand-breadths wide, while impervious to impurity, is regularly used in roofing permanent housing, should not be used for the *sukkah*. But if it is put on the sides, along a wall, it is considered extension of

the wall and not part of the roof and therefore disqualifies the roof only if 4 cubits wide (Note 30). The *sukkah* is qualified but sitting under the plank is not counted as sitting in it.

(52b line 76) רַבִּי יְרֵמְיָה בִּשְׁם רַב. בְּשֵׁישׁ בֵּהָן רֹחֵב [אַרְבַּע] נָחֲלָקוּ. רַבִּי יִסָּא בִּשְׁם רַבִּי יוֹחָנָן. בְּמִשְׁוֹפִין בְּכָלִים נָחֲלָקוּ. וְהָא רַבִּי יְרֵמְיָה בִּשְׁם רַב. בְּשֵׁישׁ בֵּהָן רֹחֵב אַרְבַּע נָחֲלָקוּ. הָא בְּמִשְׁוֹפִין לְכָלִים דְּבָרֵי הַכֹּל מוֹתֵר. מִן מָה דְּאָמַר רַבִּי יְרֵמְיָה בִּשְׁם רַב. סִיכָּה בְּשִׁלְבִיּוֹת פְּסוּלָה. וְאָמְרִין. כְּרַבִּי מֵאִיר הוֹרִי. הֵדָא אָמְרָה. הִיא הֵדָא הִיא הֵדָא. הָא רַבִּי יוֹסִי בִּשְׁם רַבִּי יוֹחָנָן. בְּמִשְׁוֹפִין לְכָלִים נָחֲלָקוּ. הָא בְּשֵׁישׁ בֵּהָן רֹחֵב אַרְבָּעָה דְּבָרֵי הַכֹּל אָסוּר. מִן מָה דְּהוֹרִי רַבִּי יִסָּא בְּסִדְרָא רַבָּא. מִלְתָּהּ מִסְכָּכִין [בָּהּ]. וְאָמְרִין. כְּרַבִּי יוֹדָה הוֹרִי. הֵדָא אָמְרָה. הִיא הֵדָא הִיא הֵדָא.

שְׁמוּאֵל אָמַר. הֵדָא דְּאֵת אָמַר. לְאוֹרֶךְ. אֲבָל לְרוֹחֵב כְּשֵׁר. רַבִּי יוֹחָנָן וְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ תְּרִיהוֹן אָמְרִין. בִּין לְאוֹרֶךְ בִּין לְרוֹחֵב כְּשֵׁר. רַבִּי זְרִיקוֹן בִּשְׁם רַב הַמְנוּנָא. כְּדָבָרֵי מִי שֶׁהוּא פּוֹסֵל כָּאֵן פּוֹסֵל כָּאֵן. רַבִּי בִין וְרַבִּי בּוֹן בְּעוֹן קוּמִי רַבִּי זְעוּרָה. מִה רַבִּי יוֹחָנָן וְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ תְּרִיהוֹן אָמְרִין. אָמַר לוֹן. מִשֶּׁם שְׁאֵין סִכָּךְ פְּסוּל פּוֹסֵל אֵלָּא בְּאַרְבַּע אַמּוֹת. מִתְּנִיתָא פְּלִיגָא עַל רַב הַמְנוּנָא. סוּכָה שְׁאֵינָה מִחֻזְקַת אֵלָּא רֹאשׁוֹ וְרוּבּוֹ וְשׁוֹלְחָנוֹ. וְהִבֵּיא נֶסֶךְ וְיִצְרָף מִמֶּנּוּ שְׁלֹשָׁה טַפְחִים. אֵין תֵּימַר לְרוֹחֵב. לִית זְכִיל. דְּאָמַר רַבִּי זְרִיקוֹן בִּשְׁם רַב הַמְנוּנָא. כְּדָבָרֵי מִי שֶׁהוּא פּוֹסֵל כָּאֵן פּוֹסֵל כָּאֵן. אֵלָּא כּוֹ אֵנּוּ קוּיָמִין לְאוֹרֶךְ. וְאֵיפְשָׁר שְׁלֹא יִישֹׁן תַּחְתָּיו.

Rebbi<sup>163</sup> Jeremiah in the name of Rav: They disagree if it is [four]<sup>164</sup> wide. Rebbi Yasa in the name of Rebbi Johanan: They disagree if they have been polished for implements<sup>165</sup>. But was not Rebbi Jeremiah {saying} in the name of Rav: They disagree if it is four wide? Therefore if they have been polished for implements everybody agrees that it is permitted. Since Rebbi Jeremiah said in the name of Rav, if he used steps of ladders for roofing it is disqualified<sup>144</sup>, and they are saying that he ruled according to Rebbi Meir, this implies that both cases are the same<sup>166</sup>. Since Rebbi Yasa said in the name of

Rebbi Joḥanan: They disagree if they have been polished for implements, therefore if it is four {hand-breadths} wide everybody agrees that it is forbidden. Now Rebbi Yasa ruled at the big assembly that one may use a cross-beam<sup>167</sup> for the thatched roof, and they said that he ruled following Rebbi Jehudah, this implies that both cases are the same<sup>168</sup>.

Samuel said, this<sup>169</sup> you only are saying lengthwise; but crosswise it is qualified. Rebbi Joḥanan and Rebbi Simeon ben Laqish both are saying, both lengthwise and crosswise are qualified<sup>170</sup>. Rebbi Zeriḡan in the name of Rav Hamnuna: Following the words of him who disqualifies here it disqualifies there<sup>171</sup>. Rebbi Abbin and Rebbi Abun asked before Rebbi Ze`ira: Why are Rebbi Joḥanan and Rebbi Simeon ben Laqish both saying? He told them, because disqualified roofing disqualifies only in four cubits<sup>172</sup>. A *baraita* disagrees with Rav Hamnuna: A *sukkah* which only contains his head, most of his body, and his table. If he brought a plank and added from it three hand-breadths. If you would say crosswise, this is impossible since Rebbi Zeriḡan said in the name of Rav Hamnuna: Following the words of him who disqualifies here it disqualifies there<sup>173</sup>. So we have to hold lengthwise, but it is impossible<sup>174</sup> not to sleep under it.

163 As the quote later in the paragraph (Note 144) and chronology imply, everywhere one has to read Rav Jeremiah (the first generation Babylonian colleague of Rav) instead of Rebbi Jeremiah (the fourth generation head of the Academy of Tiberias.)

164 Corrector's addition, rectifying a scribal omission. In the argument later the numeral is in the masculine (hand-breadths); it seems necessary to consider the feminine form here as sloppy spelling, not referring to cubits.

165 Even if they qualify as עץ כְּלִי עֵצִים "wooden implements without concavities" which are impervious to impurity. These are excluded by tradition, as they could be seen as finished implements, not by any

biblical standard. Babli 15a.

166 Since Rav stated that planks four {hand-breadths} wide are disqualified but also that non-concave wooden parts turned into parts of implements do disqualify, for him both his and R. Joḥanan's statements are operative.

167 Greek μέλαθρον, τό, a substantial load-bearing beam, not simply a thin plank. Cf. *Eruvin* Chapter 1, Note 41.

168 Since the beam need not be polished, the ruling cannot be based on his statement in the name of R. Joḥanan. He also admits Rav's description of the description of the disagreement between RR. Jehudah and Meir.

169 The last statement in the Mishnah, that one may not sleep under a plank four

hand-breadths wide. Babli 15a.

170 If the plank is on the side along a wall it becomes part of the walls, not of the roofing. But if it lies crosswise it is disqualified roofing. If on both sides there is qualified roofing of more than 4 hand-breadths, the 4 hand-breadths wide plank is disregarded and the entire roofing is qualified. The last sentence of the Mishnah is undisputed.

171 In his opinion, the last sentence of the Mishnah follows R. Jehudah and is denied

by R. Meïr.

172 In the Babli 17b this is Rav's opinion, disputed by Samuel.

173 Even if only 3 hand-breadths were used, the plank is four wide and therefore disqualified.

174 The usual Yerushalmi meaning of איפשר. Since in such a minimal *sukkah* it is impossible to lie down without part of one's body being under the plank.

**משנה ח:** תקרה שאין עליה מעזיבה רבי יהודה אומר משום בית הלל או מפקפק או נוטל אחת מבינתים ובית שמאי אומרים מפקפק ונוטל אחת מבינתים. רבי מאיר אומר נוטל אחת מבינתים ואינו צריך לפקפק:

**Mishnah 8:** A roof without insulation<sup>175</sup>, Rabbi Jehudah says in the name of the House of Hillel either he moves or he lifts one in the middle<sup>176</sup>, but the House of Shammai say, he moves and lifts one in the middle. Rabbi Meïr says, he lifts one in the middle and does not need to move.

175 The roof is formed by wooden logs without mortar or any insulation against the rains from non-vegetal sources.

176 Either one re-arranges the logs or one lifts the middle one of any three parallel logs and fills the space by qualified thatching.

(52c line 17) ואם פיקפק אינו צריך ליטול אחת מבינתים.

But if he moved he does not have to lift one in the middle<sup>177</sup>.

177 Following Rabbi Meïr.

**משנה ט:** המקרה סוכתו בשפודין או בארוכות המיטה אם יש ריוח ביניהן כמותן בשירה. תחוטט בגדיש לעשות לו סוכה אינו סוכה:



**Mishnah 9:** If one is roofing his *sukkah* with spits<sup>178</sup> or with girders from the bed frame<sup>179</sup>, if the distance between them is equal to their diameter<sup>180</sup> it is qualified. If somebody hollows out a grain stack for a *sukkah*, it is no *sukkah*<sup>181</sup>.

178 Which are metal and therefore disqualified.

179 Which are susceptible to impurity even if wooden.

180 If the space between the girders is filled with qualified vegetal material, the *sukkah* is qualified.

181 As explained in the Halakhah.

הלכה ח: (52c line 18) תני. יותר מכמותן. הברייתא אמרין שאין טפח נכנס לתוך טפח. התיב רבי בא בר ממל. הרי כלי זכוכית הרי טפח נכנס לתוך טפח. אמר רבי יוסה. תמן נכנס ויוצא. ברם הכא נכנס ואינו יוצא.

**Halakhah 8:** It was stated, more than their diameter<sup>182</sup>. The colleagues say, because no hand-breadth enters into a hand-breadth<sup>183</sup>. Rabbi Abba bar Mamal objected, is not for glass vessels one hand-breadth equal to another hand-breadth<sup>184</sup>? Rabbi Yose said, there it enters and leaves, here it enters and does not leave<sup>185</sup>.

182 The only way one can be sure that the diameters of the disqualified girders are not larger than the intervals covered by qualified thatching is if the qualified intervals actually are somewhat larger than the measured diameters of the girders. Babli 15b.

183 Since hand-breadth is not an objectively defined measure, there is no way of making sure that two hand-breadths applied to two different places are absolutely equal.

184 It is difficult to make sense of this

statement. But if it refers to the glass maker, Tosephta *Kelim Bava Mešia`* 3:11 states that the glass-maker's container (καλύβη) is pure if split exactly in the middle. If it were impossible to exactly compare measurements then a statement requiring a 50-50 split never would be applicable.

185 It is easy to check equality of length of solid objects that can be superimposed on one another; it is impossible to do so for unrelated distances.

רבי אבהו בשם רבי יוחנן. מפני שהיא נראית כאוץ. תני רבי חייה. תעשה לה. לא מן העשוי לה. מה נפק במדיניהו. ויש בה. על דעתיה דרבי חייה פסולה. על דעתיה דרבי יוחנן קשירה.

Rebbi Abbahu in the name of Rebbi Johanan: Because it looks like a storage<sup>186</sup>. Rebbi Hiyya stated, *you shall make for yourself*<sup>187</sup>, not from what already was made for you<sup>187</sup>. What is the difference between them? If it is in

it<sup>188</sup>. In Rabbi Hiyya's opinion it is disqualified, in Rabbi Johanan's opinion it is qualified.

186 And not like a *sukkah* made expressly for the holiday. In his opinion the prohibition is purely rabbinic.

187 The *sukkah* is invalid by biblical standards.

188 There is a hollow in the stack before he starts making a *sukkah* (Babli 17a). Carving

out the *sukkah* means making walls. Since the essence of the *sukkah* is its roofing, being preexisting it is disqualified for R. Hiyya. It may be qualified for R. Johanan since one does not remove parts in the middle from a stack used as storage.

**משנה י:** המושלשל דפנות מלמעלה למטה אם גבוה מן הארץ שלשה טפחים פסולה. מלמטה למעלה אם גבוה מן הארץ עשרה טפחים כשירה. רבי יוסי אומר בשם שמואל מוטען למעלה עשרה טפחים כד מלמעלה למטה עשרה טפחים. הרחיק את הסיכה מן הדפנות שלשה טפחים פסולה:

**Mishnah 10:** If one drops walls down from top to bottom, if they remain higher than three hand-breadths it is disqualified<sup>189</sup>. From bottom to top<sup>190</sup>, if it reaches ten hand-breadths it is qualified. Rabbi Yose said, just as from bottom to top ten hand-breadths so from top to bottom ten hand-breadths<sup>191</sup>. If the roofing is three hand-breadths distant from the walls it is disqualified<sup>192</sup>.

189 But walls starting less than 3 hand-breadths from the ground are equivalent to walls standing on the ground.

190 Standing on the ground, even if the roofing is less than 10 hand-breadths from the ground.

191 For him a wall 10 hand-breadths high always is qualified, irrespective of vertical distances from ground or roof.

192 The *sukkah* is disqualified if along any wall the roofing is not within 3 horizontal hand-breadths.

**הלכה ט:** אמר רבי יוחנן. לא אמר רבי יוסה אלא לענין סוכה. אבל לענין שבת אף רבי יוסי מודה. מילתיה דרבי חנינה אמרה. אף לענין שבת. דאמר רבי חנינה. שלטון בא לצפורין ותלו (לו) [בו] קיטיות. והתיר רבי ישמעאל בירבי יוסי לטלטל תחתיהן. בשית אביו. רבי יוסי בירבי בון בשם רבי שמואל בר רב יצחק. אתיא דרבי יוסי בן חנינה כרבי חנינה. והתירו פליגי על שיתיה דרבי יוחנן. דאמר רבי יוחנן. רבי יודה ורבי יוסה ורבי חנינה בן עקבנה שלשתן אמרו דבר אחד. רבי יודה דגשרים המפולשים. רבי יוסי הנה

דְּהָכָא. רַבִּי חֲנִינְיָה בֶן עֲקִבְיָה דִּתְנִי. שְׁלֹשָׁה דְּבָרִים הֵתִיר רַבִּי חֲנִינְיָה. הֵתִיר עֲצָה שְׁבִימִים. וְהֵתִיר כְּצוּצָרָא. וְהֵתִיר הִבָּאת לִוְטִיּוֹת.

<sup>193</sup>Rebbi Johanan said, Rebbi Yose said it only for Tabernacles, but in the matter of the Sabbath even Rebbi Yose agrees<sup>194</sup>. The word of Rebbi Hanina implies that it is even for the Sabbath, as Rebbi Hanina said, a ruler came to Sepphoris and they suspended quilts<sup>134</sup>; Rebbi Ismael ben Rebbi Yose permitted carrying under them following his father's argument. Rebbi Yose ben Rebbi Abun in the name of Rebbi Samuel ben Rav Isaac: Rebbi Yose ben Rebbi Hanina comes like Rebbi Hanania and both disagree with Rebbi Johanan's argument, as Rebbi Johanan<sup>195</sup> said, Rebbi Jehudah, and Rebbi Yose, and Hanania bar Aqabia all three said the same. Rebbi Jehudah of the open bridges<sup>196</sup>, Rebbi Yose that of tabernacles, Rebbi Hanania ben Aqabia as it was stated<sup>197</sup> Rebbi Hanania permitted three things, he permitted a balcony, and seaweed, and bringing bathtowels<sup>198</sup>.

193 A parallel text is *Eruvin* 8, Notes 110-117. Since the reference to the rules of *Sukkah* is formulated there differently from here, the texts in their second parts are different versions, rather than straight copies.

194 For the Sabbath and *Eruvin*, R. Yose will not admit cleavages wider than 3 hand-breadths.

195 It seems that one should read: R. Yose

ben Hanina but both texts have "R. Johanan."

196 Mishnah *Eruvin* 9:5, where R. Jehudah defines the space under a bridge as private domain if the underpinning of the bridge structure extends 10 hand-breadths below the roadway.

197 *Šabbat* 3, Notes 101-103; Babli 87b.

198 Mishnah *Šabbat* 22:5, Note 21.

מִשְׁנֵה יָא: בֵּית שְׁנִפְתָּח וְסִיכָה עַל גִּבּוֹ אִם יֵשׁ בֵּין הַכּוֹתֵל לְסִיכָה אַרְבַּע אַמּוֹת פְּסוּלָה. וְכֵן בְּהִצֵּר שֶׁהִיא מוֹקֶפֶת אֶכְסָדְרָא. סוּכָה גְּדוּלָּה שֶׁהִקִּיפוּהָ דָּבָר שְׁאִין מְסַכְכִּים בּוֹ אִם יֵשׁ תַּחְתָּיו אַרְבַּע אַמּוֹת פְּסוּלָה:

**Mishnah 11:** If a house partially collapsed<sup>199</sup> and he thatched over it, it is disqualified if from the walls to the thatching it is four cubits<sup>200</sup>. The same holds for a courtyard which is surrounded by a walkway<sup>201,15</sup>. A large *sukkah*

is disqualified if it<sup>202</sup> was surrounded by material which cannot be used for thatching covering four cubits<sup>203</sup>.

199 A one story building of which part of the roof collapsed while all of the walls are standing. The only part of a *sukkah* for which R. Hiyya biblically requires new material expressly for the holiday is the roof. Therefore the remaining house may be used as a *sukkah* if the hole in the middle of the roof is patched over.

200 As was stated earlier, a solid roof adjacent or connected to the walls is considered part of the wall, not of the roof. But this is accepted only up to a distance of 4 cubits from the nearest wall. Empty space is acceptable only up to 3 hand-breadths, disqualified material up to 4 cubits.

201 The entire courtyard may be turned into

a *sukkah* using qualified thatching, with the walls of the houses bordering the courtyard forming its walls, on condition that the roof of the walkway be less than 4 cubits wide.

202 The qualified roofing. The makers of the *sukkah* did not have sufficient material to extend the qualified roof from wall to wall. Then it is much better to fill the remaining space to the walls by disqualified material which disqualifies only by 4 cubits than to leave it empty which disqualifies by 3 hand-breadths.

203 The *sukkah* is qualified only if no place 4 cubits away from the nearest wall is directly below disqualified material.

(52c line 33) **הלכה י:** תני רבי חייה. אור פסול פוסל בשלשה טפחים. סכך פסול אינו פוסל אלא בארבע אמות. אמר רבי יוסה. אף אנו תנינו תרתייהו. אור פסול פוסל בשלשה טפחים. דתנינו. הרחיק את הסיכוף מן הדפנות שלשה טפחים פסולה: סכך פסול אינו פוסל אלא בארבע אמות. דתנינו. בית שנפחת וסיכך על גביו. אם יש מן הכותל לסיכוף ארבע אמות פסולה. הא פחות מיכן כשיקרה. התיב רבי יצחק בן אלעשיב. הרי טיט הנרוק משלים במקוה ואין מטבילין בו. והקא משלים בסוכה ואסור לישן תחתיו. חזקה אמר. מפני שהיא נראית כדופן עקומה. תני רבי הושעיה. מפני שהיא נראית כדופן עקומה. רבי בא רבי חייה בשם רבי יוחנן. מפני שהיא נראית כדופן עקומה. רבי זעורה רבי ישא בשם כהנא. מפני שהיא נראית כדופן עקומה. אמר רבי יונה לרבי יוסי. ולמה לי נן אמרין. משום שאין סכך פסול פוסל אלא בארבע אמות.

**Halakhah 10:** Rabbi Hiyya stated: Disqualified space disqualifies in three hand-breadths; disqualified roofing disqualifies in four cubits. Rabbi Yose said, we have stated both. “Disqualified space disqualifies in three hand-breadths,” as we have stated: “If the roofing is three hand-breadths distant from the walls it is disqualified<sup>192</sup>.” “Disqualified roofing disqualifies in four cubits,” as we have stated: “If a house partially collapsed and he thatched over it, it is disqualified if from the walls to the thatching it is four

cubits<sup>200</sup>.” Therefore less is qualified. Rabbi Isaac ben Elyashiv answered: pourable mud completes a *miqweh* but one may not immerse in it, here also it completes the *sukkah* but one may not sleep under it<sup>204</sup>. Hizqiah said, because it looks like a bent wall<sup>205</sup>. Rabbi Hoshiaia stated, because it looks like a bent wall. Rabbi Abba, Rabbi Hiyya in the name of Rabbi Johanan, because it looks like a bent wall. Rabbi Ze'ira, Rabbi Yasa in the name of Cahana, because it looks like a bent wall. Rabbi Jonah said to Rabbi Yose, why do we not say, because disqualified roofing only disqualifies in four cubits<sup>206</sup>?

204 The answer is to a question asked not here but in *Berakhot* 7:1 (Notes 19-29) about the interconnection between rules referring to distinct domains. A *miqweh* can be used to remove impurities only if it contains 40 *se'ah* of water, about 135 gallons. If there is not enough clear water, the required volume can be obtained by adding mud which is so moist that it can be poured from a bucket (Mishnah *Miqwaot* 7:1.) R. Eliezer forbids to immerse oneself

in mud (Mishnah *Miqwaot* 2:10) but R. Joshua permits. The argument has to be rejected here since R. Joshua will agree that disqualified roofing adjacent to a wall is considered wall, not roofing. Babli 19a.

205 In his opinion the ruling is a later rabbinic one based on an explicit argument.

206 In his opinion, this belongs to the traditional rules of *sukkah*, predating any rabbinic establishment.

**משנה יב:** העושה סוכתו כמין צריר או שסמכה לבותל רבי אליעזר פוסל מפני שאין לה גג. וחכמים מכשירין. מחצלת קנים מחצלת גדולה עשאה לשכיבה מקבלת טומאה ואין מסבין בה. ולסיבון מסבין בה ואינה מקבלת טומאה. רבי אליעזר אומר אחת גדולה ואחת עשאה קטנה לשכיבה מקבלת טומאה ואין מסבין בה ולסיבון מסבין בה ואינה מקבלת טומאה: (fol. 51c)

**Mishnah 12:** If one makes his *sukkah* as a shed<sup>207</sup> or that he supported it on a wall<sup>208</sup>, Rabbi Eliezer disqualifies because it has no roof but the Sages qualify it. A large reed mat made to lie on is susceptible to impurity<sup>209</sup> and one may not use it as roofing; if made as roofing it is not susceptible to impurity and one may use it as roofing. Rabbi Eliezer says either large or small if made to lie on it is susceptible to impurity and one may not use it as

roofing; if made as roofing one may use it as roofing and it is not susceptible to impurity.

207 More like a tent in that it has no solid walls but the walls are slanting and serve as a roof.

208 The roof is rectangular, one end is supported by a wall, the other on the ground. The Sages hold that walls are not required by the biblical text; they accept a *sukkah* which is all roof.

209 Any implement of any kind made to sit

or lie on is biblically susceptible to severe impurity; this includes reed and bast mats (Mishnah *Kelim* 20:7). The majority holds that small mats always are made to lie on; these are always disqualified from being used as roofing; only mats too large to be used as mattresses are possible candidates for roofing materials of a *sukkah* which must be impervious to impurity.

(52c line 45) **הלכה יא:** מודה רבי ליעזר לחכמים שאם היתה נתונה על ארבעה אבנים או שהיתה גבוהה מן הארץ פותח טפח שהיא כשירה. תני. העושה סוכתו כבית יער הלבנון כשירה. למי נצרכה. לרבי ליעזר.

**Halakhah 11:** Rabbi Eliezer agrees with the Sages that it is qualified if it is built on four stones or otherwise elevated from the ground at least one hand-breadth<sup>210</sup>. It was stated: If one builds his *sukkah* like the house of the Lebanon Forest<sup>211</sup> it is qualified. For whom is this needed? For Rabbi Eliezer.

210 Babli 19b; Tosephta 1:10.

slanting transparent roof.

211 *IK*. 7:2-5, built on cedar pillars with a

(52c line 48) אבא בר בר חנה בשם רבי יוחנן. במחצלת אושא שנו. אמר רבי ליעזר. [סתם] מחצלות אושא טמאות עד שיעשם אוהלים. סתם מחצלות טיבריא טהורות עד שיעשם לשכיבה. רבי יצחק בר חקולה רבי שמעון ברבי הורון באילין על פתח החנויות שהן טהורות. הורי רבי אימי. ארוגה טמאה. מהו לספד בה. מחלוקת רבי ליעזר וחכמים. רבי יצחק ברבי לעזר הורי מדחק להתיר ראשי מעדנים ולספד בהן. תנינן. וכן המתיר ראשי מעדנים טהורה. ואת אמר הכן.

Abba bar bar Hana<sup>212</sup> in the name of Rabbi Johanan: They formulated this<sup>213</sup> for Usha mats. Rabbi Eliezer<sup>214</sup> said, [normally]<sup>215</sup> Usha mats are impure unless made for tents. Normally Tiberian mats<sup>216</sup> are pure unless made for sitting. Rabbi Isaac bar Haqula, Rabbi Simeon ben Rabbi instructed about those on the doors of stores that they are pure<sup>217</sup>. Rabbi Immi instructed that

woven ones are impure. May one use them for roofing? The disagreement of Rabbi Eliezer and the Sages<sup>218</sup>. Rabbi Isaac ben Rabbi Eleazar instructed in distress to untie the knots<sup>219</sup> and use them as roofing. We have stated<sup>220</sup>: “And similarly if one unties the knots it is pure,” and you are saying so<sup>221</sup>?

212 His father was Abba bar Ḥana. One refrains from calling a posthumous child by his real name, A ben A, not to publicize his unlucky fate.

213 The Mishnah is formulated only for mats which may be presumed to be made for sitting or lying on, which may become impure even before being used. In all statements about implements being pure or impure, “impure” means susceptible to impurity, “pure” means impervious to impurity.

214 Probably one should read “R. Eleazar.”

215 Corrector’s addition from the following sentence. The word is missing in the Babli, 19a/b.

216 Usha mats were made to sit on, Tiberias mats were made to be used on walls or as

door fillers.

217 Since they are used as part of a building, they must be impervious to impurity irrespective of the way they are made.

218 The disagreement about small mats mentioned in Note 209.

219 Woven mats whose loose ends are tied together instead of a seam. If these are untied, the entire mat will slowly disintegrate; therefore it is considered no longer usable for its original purpose, and susceptibility to impurity induced by this intended use is eliminated.

220 Mishnah *Kelim* 20:7.

221 There is no reason to forbid these mats as roofing even if there is no emergency situation.