

Daf Ditty Succah 17: *Dofen Akuma*



מתני' הרחיק את הסיכוך מן הדפנות
שלשה מפרזים פסולה * כי בית שנפרח וסיכך
על גביו אם יש מן הכותל לסיכך ארבע
אמות פסולה * וכן חצר שהיא מוקפת
אבסדרה סוכה גדולה שהקיפה בדבר שאין
מסככין בו אם יש תחתיו ארבע אמות
פסולה: גמ' כל הגי למה לי צריכא דאי

מתני' הרחיק את הסיכוך מן הדפנות שלשה טפחים — פסולה.

MISHNA: If one distanced the roofing from the walls of the *sukka* at a distance of three handbreadths the *sukka* is unfit, because three handbreadths of open space, even adjacent to the walls, render the *sukka* unfit.

בית שֶׁנִּפְתַּח וְסִיפּוֹ עַל גְּבִיּוֹ — אִם יֵשׁ מִן הַכּוֹתֵל לְסִיפּוֹ אַרְבַּע
אַמּוֹת, פְּסוּלָה.

In the case of **a house that was breached**, creating a hole in the middle of the roof, **and one roofed over** the breach, **if from the wall to the roofing there are four** or more cubits of the remaining original roof, **it is an unfit sukka**. If the roofing is less than four cubits from the wall, the *sukka* is fit, based on the principle of curved wall; the remaining intact ceiling is considered an extension of the vertical wall.

וְכֵן חֲצַר שֶׁהִיא מוּקְפֶת אַכְסְדְרָה, סוּפָה גְדוּלָה שֶׁהִקִּיפוּהָ בְּדָבָר שֶׁאֵין
מְסַכְכִין בּוֹ — אִם יֵשׁ תַּחְתּוֹ אַרְבַּע אַמּוֹת, פְּסוּלָה.

And likewise, in the case of **a courtyard that is surrounded** on three sides **by a portico**, which has a roof but no walls, if one placed roofing over the courtyard between the different sides of the portico and the roof of the portico is four cubits wide, the *sukka* is unfit. Similarly, **a large sukka that was surrounded** at the edge of its roofing **with material with which one may not roof** a *sukka*, e.g., vessels susceptible to ritual impurity, **if there are four cubits beneath** the unfit roofing, the *sukka* is **unfit**. The principle of curved wall does not apply to unfit roofing that measures four cubits or more.

גַּמְ' כָּל הַנִּי לְמָה לִי? צְרִיכָא: דְּאִי אֲשַׁמְעִינּוּ בֵּית שֶׁנִּפְתַּח — מִשּׁוּם
דְּהַנִּי מְחִיצוֹת לְבֵית עֲבִידָן. אֲבָל חֲצַר הַמוּקְפֶת אַכְסְדְרָה, דְּמְחִיצוֹת
לְאוּ לְאַכְסְדְרָה עֲבִידֵי — אֵימָא לָא, צְרִיכָא.

GEMARA: The Gemara asks: **Why do I need all these** cases based on the identical principle of curved wall? The Gemara explains: It is **necessary** to cite all the cases, **as, if** the mishna had **taught us** only the case of **the house that was breached**, I would have said that the principle of curved wall applies there **because those walls were established for the house**. Therefore, when the house is transformed into a *sukka*, the walls continue to serve their original function as walls of the *sukka*. **However**, with regard to **a courtyard surrounded** on each of the three sides **by a portico**, where its **walls were established not for the portico** but for the house that opens into the portico, and they happen to serve as the interior walls of the portico, I could **say no**, they are not considered as connected to the roofing at all. Consequently, it is **necessary** for the mishna to cite that case as well.

וְאִי אֲשַׁמְעִינּוּ הַגִּי תְרַמִּי, מִשּׁוּם דְּסִכְכֵּן סִכּוֹ כְּשֶׁר הוּא, אָבֵל סוּפָה
גְּדוּלָה שֶׁהִקִּיפוּהָ בְּדָבָר שֶׁאֵין מְסַכְכִין בוֹ, דְּסִכְכָּה סִכּוֹ פְּסוּל הוּא
— אֵימָא לָא, צְרִיכָא.

And if the mishna taught us only these two cases, one would have said that the principle of curved wall can apply **because** all of **their roofing is fit roofing**, and the preexisting roof of the house and the portico is unfit only due to the principle: Prepare it, and not from that which has already been prepared. **However**, here, in the case of **a large sukka that was surrounded** at the edge of its roofing **with material with which one may not roof a sukka**, where some of its **roofing is unfit** and the fit roofing does not actually reach the wall, one could **say no**, the roofing is unfit. Therefore, it is **necessary** to state that case as well.

אָמַר רַבָּה: אֲשַׁכְחֵתִינְהוּ לְרַבְנָן דְּבֵי רַב דִּיתְבִּי וְקֹאֲמְרִי: אֲוִיר פּוּסֵל
בְּשִׁלְשָׁה, סִכּוֹ פְּסוּל פּוּסֵל בְּאַרְבָּעָה.

§ **Rabba said: I found the Sages of the school of Rav, who were sitting and saying** in the name of Rav: **Space** without roofing **renders** the *sukka* **unfit with** a measure of **three** handbreadths of space. However, **unfit roofing renders** the *sukka* **unfit with** a measure of **four** handbreadths.

וְאֵמַינָא לְהוּ אָנָּא: אֲוִיר דְּפּוּסֵל בְּשִׁלְשָׁה מְנָא לָכוּ — דְּתַנּוּ: הִרְחִיק
אֶת הַסִּיכּוֹד מִן הַדְּפְנוֹת שִׁלְשָׁה טְפָחִים — פְּסוּלָה. סִכּוֹ פְּסוּל נְמִי
לֹא לִפְסִיל אֶלָּא בְּאַרְבַּע אַמּוֹת, דְּתַנּוּ: בֵּית שְׁנַפְחַת וְסִיכּוֹד עַל גְּבִי,ו
אִם יֵשׁ בֵּין הַסִּיכּוֹד לְכּוֹתֵל אַרְבַּע אַמּוֹת — פְּסוּלָה!

And I said to them: From where do you derive that **space renders** the *sukka* **unfit** when it amounts to **three** handbreadths? It is **as we learned** in the mishna: If **one distanced the roofing from the walls of the sukka at a distance of three handbreadths**, the *sukka* is **unfit**. If, indeed, this mishna is the source of the *halakha*, **also** in the case of **unfit roofing**, **let it render** the *sukka* **unfit only** if the roofing measures **four cubits**, **as we learned** in the same mishna: With regard to **a house that was breached and one roofed over** the breach, **if from the wall to the roofing there is four** or more **cubits** of the remaining original roof, the *sukka* is **unfit**.

וְאָמְרוּ לִי: בַּר מִינָה דְּהֵיא, דְּרַב וְשִׁמּוּאֵל אָמְרִי תְרוּוִיָּהּ: מִשּׁוּם דּוֹפֵן
עֲקוּמָה נִגְעוּ בָּהּ.

And they said to me: Cite proof from the mishna, **apart from this case, as both Rav and Shmuel said that** in this case, the Sages in the mishna **touched upon** the principle of curved wall. In other words, the fact that this house is a fit *sukka* is unrelated to the minimum measure of unfit roofing. It is fit due to the principle of curved wall.

וְאִמְנָא לְהוּ אָנָּא: מָה אֵילּוּ אֵיכָּא סְכָךְ פְּסוּל פְּחוּת מְאַרְבָּעָה וְאוּר
פְּחוּת מְשֻׁלְשָׁה מֵאֵי? כְּשֶׁרָה. מְלִיָּה בְּשִׁפּוּדִין מֵאֵי — פְּסוּלָה, וְלֹא
יְהֵא אוּר הַפּוּסֵל בְּשֻׁלְשָׁה כְּסְכָךְ פְּסוּל הַפּוּסֵל בְּאַרְבָּעָה!

And I said to them: What if there is a *sukka* with **less than four** handbreadths of **unfit roofing** and an adjacent **space** of **less than three** handbreadths; **what** would be the status of the *sukka*? The *sukka* would be **fit**, since it lacks the minimum measure of both space and unfit roofing that renders a *sukka* unfit. If one then **filled** the space **with skewers**, **what** would be the status of the *sukka*? It would be **unfit**, as there would be more than four handbreadths of unfit roofing. **But shouldn't space, which** is more stringent, as it **renders** the *sukka* **unfit with only three** handbreadths, **be as** stringent as **unfit roofing, which renders** the *sukka* **unfit only with four** handbreadths of unfit roofing?

Summary

1) **MISHNAH:** The Mishnah discusses the halachos of valid סכך that is separated from the wall either by empty space or by invalid סכך.

2) Clarifying the Mishnah

The Gemara explains why the Mishnah taught the principle of דופן עקומה — “a bent wall,” with three different examples.

3) The size of empty space or invalid סכך necessary to disqualify a sukkah

Rabbah engaged the students in a debate regarding the size of empty space or invalid סכך necessary to disqualify a sukkah. According to the students empty space disqualifies at three tefachim and invalid סכך at four tefachim whereas according to Rabbah empty space disqualifies at three tefachim but invalid סכך at four amos.

The students explained to Rabbah that the Mishnah he used as the source for his opinion was based on the principle of דופן עקומה rather than the halacha that invalid סכך disqualifies at four amos.

Rabbah continues, unsuccessfully, to challenge the statement of the students.

Today's daf keeps me humble. Very humble. I am reminded that I know just about nothing.¹

Amud (a) begins with a Mishna. We learn:

- 1) if the roofing is more than three handbreadths from the walls, the sukka is unfit

- 2) if there is a breach (a hole) in a home's roof and one wants to create a sukka, there must be less than four cubits of remaining roof for the sukka to be fit.

- 3) a courtyard surrounded by a portico on three sides (covering an internal courtyard) where the walls are extended to the roof and a courtyard covered with unfit roofing cannot become fit sukkot

The remainder of today's daf is the Gemara on this Mishna. Our Sages want to understand exactly what is meant by this Mishna. Why some details and not others? Why certain repetitions? Why do rules apply in some circumstances and not in others?

A number of concepts are used repeatedly to better understand the Mishna. One is *lavud*, or joining. If we can use the principle of *lavud* to join breaches, then the sukka can become fit. In order to understand which items can be used, however, the Gemara engages in a new exploration. A sukka cannot be fit if it is constructed with items that can contract ritual impurity. If the roof were to become impure, the people sleeping or eating beneath it also could contract that ritual impurity. Thus the rabbis spend a good amount of time detailing which fabrics can contract ritual impurity at which sizes. Which fabrics should be used in the construction of a sukka?

The principle of the curved wall continues to elude me. I understand that in some circumstances it is understood that the wall is mentally stretched to cover the edge of the roof. It is unclear to me how that might affect whether or not the roofing itself is unfit.

Our rabbis examine the relationship between the size of the sukka and its roofing/walls. If there is space on the roof, a new problem is created. What size sukka has what size roof? And can the walls be made of animal hides, each hide able to contract ritual impurity under different circumstances and at different sizes? The fear of ritual impurity is significant here, and I can't help but wonder if it might be related to a reaffirmation of power structures.

¹ <https://dafyomibeginner.blogspot.com/2014/02/>

We end the daf with questions asked earlier. Why must four-cubit boards join together to be unfit? Shouldn't they be unfit anyway, simply due to their size?

Daf Shevui writes:²

The walls of a sukkah must be no less than three handbreadths horizontally removed from the s'chach. Otherwise, there is a three-handbreadth gap in the roof of the sukkah, which would mean that that wall could not count as one of the walls of the sukkah.

In the second case described in the mishnah a person opened a hole in the roof of his house and covered the hole with valid s'chach. This is a valid sukkah as long as the hole which has been filled with s'chach is less than four cubits from the walls. [Three handbreadths is the maximum empty space, four cubits the maximum filled space]. This space between the walls and s'chach is not open, but rather has a regular roof (plaster and wood). The roof is considered as if it is part of the walls, at least for a distance of four cubits. As an aside, there are people who actually do this. They have a retractable roof, less than four cubits from the walls and they open it up on Sukkot and have a sukkah in their house!

The mishnah then notes another possible circumstance in which this halakhah is applicable. A courtyard is surrounded by a section of columns and covered with a roof. This covered roof is made of invalid s'chach. In such a case, the open space is slightly removed from the walls. If he covers the open space with valid s'chach and the walls are no more than four cubits from the s'chach, then the sukkah is valid.

The final case is pretty much the same halakhic situation as that in the first two. Again, a person has a sukkah in which there is some distance from the s'chach in the middle to the walls on the side. If he fills in this gap with material that is invalid for a sukkah (perhaps he does not have enough kosher material which he can use) then the sukkah is valid. Obviously, in all three cases in the mishnah, when he goes to sit or dwell in the sukkah, he must sit underneath the valid s'chach for it is only there that we can consider him to have a sukkah.

The mishnah seems to repeat itself several times. The three cases in the mishnah (the house with the opening, the courtyard or the sukkah distanced from the walls) all teach the same principle. In order for the walls to be considered part of the sukkah they must be no more than four horizontal handbreadths from the s'chach. So why teach this same principle three times?

The Talmud will now explain why we need all three cases. If we had only learned the case of the house, we might have said that those walls can count towards the sukkah because those walls were

² https://www.sefaria.org/Sukkah.17a?lang=bi&p2=Daf_Shevui_to_Sukkah.17a.2-17b.1&lang2=bi

made to enclose that which is in within them. However, the courtyard's walls were not made for the area with the columns. They were made for the house inside. Therefore, you might have thought that we can't count with the sukkah put on top of the columns. The mishnah teaches us that we can.

If the mishnah had included just the first two examples, then we might have thought that if he puts up invalid s'chach around the outsides of his large sukkah, the sukkah would be invalid. Invalid s'chach would be problematic because someone who sees it would think that one can sit in a sukkah with this material as s'chach. Therefore, the mishnah teaches us that this case is also valid. As long as this gap is filled and the walls are no more than four cubits from the valid s'chach, the sukkah is valid.

Today's section has an extended discussion between Rabbah and the other rabbis concerning the mishnah with which we began the daf.

Rabbah finds the rabbis in the house of Rav, which is probably a house of study of some sort, and they say the following halakhah. If there is an open gap of three handbreadths in the s'chach, it is invalid. If there is a strip of invalid s'chach that is four handbreadths in size, it disqualifies the sukkah.

Rabbah responds by assuming that they derive this halakhah from our mishnah. The mishnah states that if he distances the s'chach from the walls by three handbreadths, the sukkah is not valid. From here you could learn that open air space invalidates if it is three handbreadths. The problem is that the very same mishnah teaches that invalid s'chach only invalidates if it is four cubits, not four handbreadths. A cubit is equivalent to five handbreadths. So, it is much larger.

The rabbis respond by citing Rav and Shmuel's explanation of that mishnah. The mishnah allows four cubits of invalid s'chach because this was the s'chach adjacent to the wall. This s'chach is considered to be part of the wall—as it is a “curved wall” extending up and over. If the invalid s'chach is found in the middle of the sukkah, then four handbreadths of it invalidates the whole sukkah.

Rabbah challenges them by presenting them with the following scenario. There is invalid s'chach that is less than four handbreadths next to an open space that is less than three handbreadths. This sukkah is valid. If he fills in the empty space with metal spits (invalid s'chach) then the sukkah is invalid. Thus, air space is treated more leniently than invalid s'chach even though generally the rules regarding open spaces in the sukkah are more stringent.

The other rabbis point out that the same problem occurs with Rabbah's halakhah (invalid s'chach invalidates the sukkah only if there is 4 cubits of it). If there is invalid s'chach less than four cubits next to open air less than three handbreadths, the sukkah is valid. Just as above, if he fills it in with invalid s'chach, the total invalid s'chach is now over four cubits and the sukkah is invalid. But again, why should the rules regarding invalid s'chach be more stringent than those regarding open air.

Rabbah responds by differentiating between the reasoning lying behind his halakhah and the reasoning behind the halakhah of the other rabbis. Rabbah explains that four cubits is the “standard size”—it is the accepted measure of invalid s’chach that invalidates a sukkah. Rabbah knows that this is the measure of invalid s’chach because it is found in the mishnah. If there isn’t this measure, and there is less than four cubits of invalid s’chach next to less than three handbreadths of open air, the sukkah is still valid.

But the other rabbis who say four handbreadths of invalid s’chach invalidates the sukkah hold that the reasoning is that four handbreadths is sufficient to divide the sukkah. Four handbreadths is the minimum measure for something to count as a place unto itself. Therefore, if there is a “place” large enough to divide the sukkah, then the s’chach cannot all be counted as part of one sukkah. If this is so, then why should three handbreadths of invalid s’chach next to two handbreadths of open air, which is valid, be different from four handbreadths of invalid s’chach, which is invalid.

FOUR TEFACHIM OF INVALID SECHACH

Rav Mordechai Kornfeld writes:³

The Amora'im argue about how wide a strip of invalid Sechach must be to invalidate a Sukah (when it divides the Sukah into two sections, each of which lacks three walls or an area of seven-by-seven Tefachim).

- (a) What is the Halachah in this case? Does a strip of invalid Sechach which is four Tefachim wide invalidate the Sukah, or does it invalidate the Sukah only when it is four Amos wide?
- (b) What is the Halachah when the strip of invalid Sechach is less than four Tefachim wide? Although it is clear that such a strip does not invalidate the Sukah, is it considered valid Sechach? May a person sleep and eat directly below it, or must he make sure to sit below the valid part of the Sechach?

The Rishonim disagree about the Halachah in this case.

1. The **BEHAG** rules leniently and says that the invalid strip must be four Amos wide in order to invalidate the Sukah. The **BA'AL HA'ITUR** (cited by the **ROSH** 1:32) cites the Yerushalmi that supports this ruling. He explains that the Gemara here also provides support for this ruling: according to the Talmidim of Neharde'a, Rav and Shmuel argue about this point (Rav says that the invalid Sechach must be four Amos wide to invalidate the Sukah, and Shmuel says that it must be only four Tefachim), and the Halachah follows Rav whenever he and Shmuel argue with regard to a matter of Isur.
2. The **RIF**, **RAMBAM**, and others rule like Shmuel who says that even a strip of four Tefachim of invalid Sechach invalidates the Sukah. The **RAMBAN** (cited by the Rosh) points out that the way in which the principle of "Dofen Akumah" is applied throughout Shas supports this view.

³ <https://www.dafyomi.co.il/sukah/insites/su-dt-017.htm>

According to the opinion that a strip of four Amos of invalid Sechach invalidates a Sukah even when it is in the middle of the Sukah, "Dofen Akumah" never has any application, because there is no difference between invalid Sechach next to the wall and invalid Sechach in the middle of the Sukah. This is also the ruling of the **SHULCHAN ARUCH** (OC 632:1).

There are two opinions in the Rishonim with regard to whether one may sit below the invalid Sechach when it is less than four Tefachim wide.

1. **RASHI** (18a, DH she'Ein) writes (but does not cite proof) that one may sit below the invalid Sechach when it is less than four Tefachim wide.

2. The **RA'AVAD** (on the Rif, 14a) argues with Rashi's ruling. He rules that one may not eat under the invalid part of the Sechach when its width is less than four Tefachim but more than three Tefachim.

HALACHAH: Although the SHULCHAN ARUCH (OC 632:1) cites only the opinion of Rashi, the MISHNAH BERURAH (632:3) cites the opinion of the Ra'avad and says that it is best to avoid eating under invalid Sechach that is three to four Tefachim wide.

AMOUNT OF INVALID SECHACH DISQUALIFYING A SMALL SUKAH

The Gemara teaches that in a small Sukah (that has an area of seven-by-seven Tefachim), even three Tefachim of invalid Sechach disqualifies the Sukah.

RASHI explains that a width of three Tefachim is too large to apply to it the principle of Lavud, and thus that part of the Sechach is considered separated from the rest of the Sukah. It does not combine with the rest of the Sechach to form the minimum area of seven-by-seven Tefachim that is necessary for the Sukah to be valid. *Less* than three Tefachim of invalid Sechach, however, does not disqualify a small Sukah.

Why does less than three Tefachim of invalid Sechach not disqualify a small Sukah? Even one Tefach of invalid Sechach diminishes the area of the small Sukah to less than seven by seven Tefachim!

The Gemara earlier (9b) teaches that invalid Sechach that is not mixed together ("Chavtan") with valid Sechach does not become Batel to the valid Sechach and remains invalid (see Tosfos to 15b, DH v'Ha, and Insights to Sukah 15:3). Lavud does not apply because the area is not open space. Whenever something occupies the space, the principle of Lavud cannot join together the two sides of that space. Accordingly, even when there is only one Tefach of invalid Sechach, it should not become Batel to the rest of the Sechach, and thus there remains less than seven by seven Tefachim of valid Sechach.

A Sukah does not need to be completely covered with Sechach in order to be valid. It merely needs to have more shade than sunlight from valid Sechach. In the case of a small Sukah with less than three Tefachim of invalid Sechach, the invalid Sechach is a minority while the valid Sechach is a "Rov," and thus the Sukah has more shade than sunlight from valid Sechach. (The strips of invalid

Sechach are not worse than small gaps in the valid Sechach, which are ignored as long as there is more shade than sunlight.)

However, if a small Sukah is valid when it has a majority of shade from valid Sechach, then even when there are a full *three* Tefachim of invalid Sechach, the Sukah should be valid! Why does the Gemara say that a width of three Tefachim of invalid Sechach disqualifies a small Sukah?

Apparently, Rashi means that when there are three Tefachim or more of invalid Sechach, or three Tefachim or more of open space, it is not considered merely a gap in the Sechach that can be ignored, but rather it is considered a self-contained area that cannot be viewed as part of the Sechach at all.

RABEINU CHANANEL explains the Gemara in an entirely different manner. He explains that in a small Sukah, the amount of invalid Sechach that invalidates the Sukah is not three Tefachim, but rather four Tefachim (or, more accurately, anything more than a majority of the area of the Sechach, or more than 3 1/2 Tefachim). He explains that as long as there is more shade than sunlight from the valid Sechach, the minority of invalid Sechach cannot disqualify the Sukah. It is not like open space, which invalidates a Sukah with merely three Tefachim.

According to Rabeinu Chananel, when the Gemara asks that in a small Sukah, the amount of invalid Sechach and amount of open space needed to invalidate the Sukah are the same, it does not mean that both amounts are defined by the same *number* of Tefachim. Rather, the Gemara means that both Pesulim are measured in the same *units* -- that is, in Tefachim and not in Amos. Since both are measured in Tefachim, they are considered to invalidate the Sukah with the same measure. In contrast, in a large Sukah, invalid Sechach disqualifies the Sukah only when there are four *Amos* of invalid Sechach, which is a different unit of measure than the one with which the Pesul of open space is measured (three *Tefachim*).

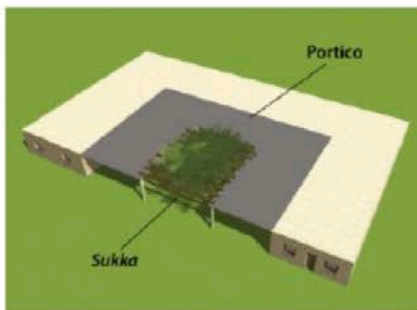
However, according to Rabeinu Chananel's approach, why does the Gemara attempt to prove from the Mishnah that different amounts combine? The Mishnah says that materials of different types combine to form the minimum amount necessary to be Mekabel Tum'ah. In that Mishnah, all of the Shi'urim are measured in Tefachim, and thus they are considered to be the same "Shi'ur" according to Rabeinu Chananel. There is no proof from the Mishnah that *different* Shi'urim combine.

The answer is that the Mishnah there (Kelim 27:2) also mentions the Shi'ur of three-by-three *Etzba'os* (the minimum size of a cloth fabric that becomes Tamei with Tum'as Mes). Even though the Gemara here does not quote that part of the Mishnah, Rabeinu Chananel himself quotes it. He explains that when the Mishnah says that a Begeg joins with a Sak, it means that even a Begeg, which is measured in units of *Etzba'os*, joins a Sak to make a Shi'ur of four-by-four *Tefachim*.

Accordingly, the Gemara has a valid proof from that Mishnah that even Shi'urim which are measured in different units still can combine with each other.

Steinzaltz (OBM) writes:⁴

The Gemara on our *daf* introduces the concept of *dofen akuma* – a crooked wall. In cases where the *sechach* does not reach all the way to the walls of the *sukkah*, if the distance between the walls and the *sechach* is less than four *amot*, we apply the rule of *dofen akuma* and perceive the wall as reaching the *sechach*. Two cases that make use of this rule are mentioned in the Mishnah: the case of a house whose roof has collapsed in the middle and is replaced by *sechach* for the holiday, and the case of a courtyard that is surrounded by an *akhsadra* – a covered area, with an space left in the middle that is used as a *sukkah*.



Courtyard with portico



Breached house

Several explanations are given to explain the mechanism behind the workings of *dofen akuma*. Rav Nissim Gaon explains that *halakha* simply perceives the wall as moving to a position where it abuts the *sechach*. Most *rishonim* (Rashi, the Me'iri and the Ran) understand that we consider the roofed-in area to be part of the wall, recognizing that it is a part of the wall that runs horizontally to the point that it reaches the *sechach*, rather than vertically as we usually expect walls to be. The *Pri Megadim* suggests that *halakha* perceives the wall as rising at an angle to meet the *sechach*.

One of the practical differences that arises from this argument is how to rule in a case where the *sechach* is higher than the top of the walls. In that case, according to the accepted opinion that the ceiling is seen as a horizontal wall that reaches the *sechach*, here it does not reach the *sechach* and it is likely that we will not be able to apply the rule of *dofen akuma*.

Can we apply more than one Halacha l'Moshe MiSinai for any one Sukkah?

בית שנפחת וסיכך על גביו אם יש מן הכותל לסיכוך ארבע אמות
פסולה אבל פחות מארבע אמות כשירה

⁴ https://www.ou.org/life/torah/masechet_sukkah1319/

The roof of a house has become depleted and סכך has been placed upon the opening. The result is a kosher sukkah if the distance between the walls and the area where the סכך begins is less than four amos, using the concept of עקומה דופן.⁵

The ר"ן explains that this is only valid where the walls themselves reach all the way to the roof. If, however, the walls reach only part of the height to the roof, and we need to use the concept of אסיק גוד (stretch the walls to extend), in this case we would not be able to permit the sukkah by using עקומה דופן also. We are only allowed to use one of these rules for any particular sukkah.

The TAZ (O.C. 632: #1) questions the source for the ruling of ר"ן. Rabbi Akiva Eiger (Responsum #12) explains that ר"ן understands that each of these mechanisms are Halacha l'Moshe MiSinai. If the only issue with the sukkah is that the סכך is up to four amos from the wall, we can say עקומה דופן. If the only problem is that the walls do not reach the roof, we can use the rule of אסיק גוד. However, we cannot use two Halachos l'Moshe MiSinai simultaneously.

Magen Avrohom (632:1) rules according to this ר"ן. Rabbi Akiva Eiger points out that Shulchan Aruch (630:9) apparently does allow using two Halachos l'Moshe MiSinai in one case (אסיק גוד and לבוד).

Bikurei Yaakov and Pri Megadim point out that ר"ן only disallows אסיק גוד and עקומה דופן, but he would agree that אסיק גוד and לבוד can be used together. Refer to these אחרונים and Kehilas Yaakov (Sukkah #4) for the rationale for this distinction.

The invalidity of empty space אוויר פוסל בשלשה סכך פסול פוסל בארבעה

The Kotzker Rebbe, zt"l, remarks that this halachah seems counterintuitive. Why should air be worse than סכך that is invalid? The difference between them is that air is empty space that is more noticeable than non-kosher סכך.

Empty air represents the time we waste without filling it with content. Even סכך which is disqualified, doing a mitzvah action which is invalid for some reason, is better than doing nothing at all.

The Chovos Hatalmidim, hy"d, writes that the evil inclination is like an armed bandit. He uses his weapon of בטלה, inactivity, to get a person to waste a few minutes here and there from the time he has designated for learning. These little losses can actually disrupt the character of one's entire day. Inactivity is like rot that spreads and eats away at the unspoiled portions of the affected fruit. It is important to note that the Ramchal writes that sometimes even a pleasure walk constitutes avodas Hashem if the intention is to alleviate a bad mood or to relax after a long day.

Each person should endeavor to find the correct balance in their own lives so that they learn as much as they can without overextending themselves. Figuring out what our true needs for

⁵ <https://dafdigest.org/masechtos/Sukkah%20017.pdf>

relaxation are demands rigorous honesty, constant self-assessment, and a sincere desire to serve Hashem.

Rav Alexander Moshe Lapidos, zt"l, once told how he achieved mastery in Shas and poskim: *“There is a certain pleasure we naturally take in conversing about non-Torah subjects like the news of the day, and this causes many to fall into a bitter trap of wasting time. When my evil inclination would push me to indulge in this, I would recall the midrash: For a few moments of pleasure, will you lose your eternal portion in the next world?”*

“This is what I told myself: For the momentary enjoyment of hearing the news, will I throw away my time for Torah study, my eternal portion?”

Mark Kerzner writes:⁶

The covering of the sukkah (s'chach) must be complete, with holes no bigger than three-by-three handbreadths. Consider the following three cases.

1. If one took away the center of his house's roof and placed s'chach on top, this is a valid sukkah - provided that no more than four amot (about six feet) remain from the s'chach to the wall.
2. If a courtyard that has many houses with porches is roofed with s'chach - it is a valid sukkah, provided that the porches are no wider than four amot.
3. A large sukkah covered with kosher s'chach in the middle is valid, if the remaining invalid s'chach is no wider than four amot.

These cases seem repetitive, but each one is in reality needed. Had we been told the first case but not the second, you could argue that in the first case the walls of the house can be imagined as bending inward, and the s'chach is thus valid because of the principle of "bent wall," or "dofen akumah" . However, you could say that the porches and their walls don't bend outwards, in the direction of the courtyard.

And had you been told cases 1 and 2, you could still argue that in case 3 the sukkah does not have bent walls but rather invalid s'chach, and that invalid s'chach for sure cannot be considered a continuation of the wall. Now that the teacher stated all three cases, he prevented these possible incorrect deductions.

⁶ <https://talmudilluminated.com/sukkah/sukkah17.html>

Rabbi Elliot Goldberg writes:⁷

Today, the Gemara asks: *Why do I need all of these?*

No, the Gemara is not downsizing and looking to rid itself of sweaters that it hasn't worn in three years. Rather, it's asking about a mishnah that teaches that *s'chach* (roofing materials) that would normally render a sukkah invalid are fine if they are located at the outer edge of the sukkah and are less than four cubits wide. Why? Because up to four cubits of unfit roofing material can be considered an extension of the sukkah's vertical walls, which are not subject to the same restrictions as the roof.

The mishnah brings three different examples to illustrate this rule:

(1) A house whose roof fell in, creating a hole in the center: If one places *s'chach* over the hole, the building can be used as a sukkah as long as the distance between the walls and the edge of the hole is less than four cubits.

(2) A courtyard surrounded by a U-shaped portico (usually an extended covered porch supported by columns) which in turn is surrounded by a U-shaped building (see aerial perspective below): If the roof of the portico — i.e. the distance from the walls of the building to the internal edge of the portico — is less than four cubits, one can place *s'chach* over the courtyard to create a kosher sukkah.

(3) A large sukkah that has unfit roofing materials on the edge and kosher materials in the center: If the unfit materials are less than four cubits wide, the sukkah is kosher.

Naturally, the Gemara wants to know why all these examples have to be cited. All of these seem to demonstrate the broader principle that as long as the unfit roofing is less than four cubits wide and is located at the edge of the roof, the sukkah is kosher. Why do we need all three examples?

The answer is a little complicated.

If the mishnah had only taught the case about the house with the fallen roof, you might think the reason the sukkah is valid is because its walls were part of the original structure. So the mishnah cites the second example, where the sukkah is formed by the space inside the portico but its walls are the walls of the building to show that even if the walls are not part of the structure of the sukkah, the sukkah is valid. And without the third case, you might have thought that the first two cases dealt with roofing that would have been valid for a sukkah but for the fact that the roof was not built specifically for the purpose of the holiday. The third case is therefore necessary to teach that even if the materials are invalid for the purpose of a sukkah roof, the sukkah is still kosher so long as the invalid materials are less than four cubits wide.

The question about why all these examples are needed is actually a rhetorical device that reveals one of the Gemara's underlying beliefs: If one example was sufficient to teach us what we need to

⁷ Myjewishlearning.com

know, there would only be one example. If the mishnah presents three, each additional one must come to teach us something unique. We saw another example of this kind of reasoning back on Yoma 84.

The rabbis apply this idea that every word has a unique lesson not only to the Mishnah, but to the Torah as well. Their approach to reading is not only interpretive, it is also generative. The drive to uncover the meaning of each and every word is a prime factor in the creation of the rabbinic corpus of Midrash and Talmud and is a uniquely Jewish approach to learning.

So why do we need all of these examples? To challenge us, as they did our ancestors, to read the text with a careful eye and unlock new and interesting ways to understand them.

Rabbi Johnny Solomon writes:⁸

Our daf (Sukkah 17a) continues to discuss the laws of constructing a sukkah and how our Sages imagined relatively small gaps in the roofs and walls of a sukkah as being closed. For example, we learn about the rule of ‘Dofen Akuma’ (literally ‘bent wall’) which asserts that an area of roof above a sukkah wall can be regarded as being a continuation of that wall.

In fact, it is noteworthy that many laws of Sukkah involve a broad range of halachic ‘compromises’. For example, the Sukkah itself need only have 2 full walls and a third symbolic wall. Additionally, there is the principle of ‘Lavud’ which teaches us to view an empty space without schach as if there is schach. And the rule of Gud Asik teaches that walls that are of a significant height need not touch the s’chach.

Significantly, every Friday night we pray that G-d ‘spread a sukkah of peace upon us’, which prompted Rav Kook to ask about the connection between a sukkah and peace, to which he responded as follows: *‘Just as the laws of Sukkah validate incomplete walls and missing parts of roofs, so too, peace is so precious and so necessary in our world that even if comprehensive peace is unachievable, it is still worthy to pursue partial peace’* (Moadei HaR’ayyah p. 97).

As Rabbi Sacks similarly explains, *‘there is a fundamental difference between the end-of-days peace of religious unity and the historical peace of compromise and coexistence. The pursuit of the former can sometimes be the most formidable enemy of the latter.’* (The Dignity of Difference p. 10)

Yet this distinction between comprehensive and partial walls, and between comprehensive and partial peace, also applies to other areas of halacha as well. For example, Rav Chaim of Volozhin writes on the principle of *הפוך בה והפוך בה* (turn it over and turn it over, for everything is in it – Avot 5:22) that *‘it is possible that a concept found in the laws of Sukkah may be helpful in enabling an agunah to remarry’* (Ruach Chaim on Avot 5:22).

⁸ www.rabbijohnnysolomon.com

While this statement could be interpreted in a variety of ways, what I believe it alludes to is the fact that there are times when the needs of an individual should push us to settle with a good enough halachic solution that works according to many halachic opinions, rather than wait for a so-called perfect solution according to all halachic opinions.

Nowadays, there are many who pursue perfect halachic solutions over imperfect ones, but like Rabbi Sacks emphasizes, *'the pursuit of the former can sometimes be the most formidable enemy of the latter'*. And this is why, every Friday night when we experience the peace that we seek to create in our home, we pray that G-d *'spread a sukkah of peace upon us'* – and in doing so we remind ourselves that we can learn much about peace - and so much more as well - from the laws of the sukkah.

No Walls



Rabbi Jay Kelman writes:⁹

"For God is bringing you to a good land...a land of wheat, barley, grapes, figs, pomegranates; a land of olive oil and date honey" (Devarim 8:7-8). This verse not only describes the bounty of the land of Israel, but reflects many aspects of Jewish law, from that of *tumah* and *taharah*, the prohibition of a nazir drinking wine, carrying on Shabbat, the definition of a vessel, the measure

⁹ <https://torahinmotion.org/discussions-and-blogs/sukkah-17-no-walls>

of forbidden foods, and the point at which one has eaten enough on Yom Kippur that one can no longer be considered to be afflicting one's soul [1].

As the link between each of the above-noted laws and each particular species is not spelled out in the Biblical verses, the Gemara says that they derive from a tradition received by Moshe at Sinai. "*Measures, interpositions [2], and partitions are laws given to Moses at Sinai*" (Sukkah 5b), with the verse serving as the mechanism by which we can link the oral tradition and the written text. In this particular context, as the Torah describes the wonderful land God has given the Jewish people, our rabbis were teaching us to use those same blessings in the observance of Jewish law.

It is the laws of *mechitzot*, partitions, that have great relevance regarding sukkot. As one learns the first chapter of the tractate, we are introduced to a series of laws regarding the walls that enable one to build a sukkah with practically no materials. We learn of the *dofen akumah*, the crooked wall, that allows up to four amot (six feet) of an overhang to be considered an extension of the vertical wall below, as opposed to non-kosher s'chach. One could theoretically have a *dofen akumah* on all four sides of a sukkah, with an area in the middle of seven *tefachim*, handbreadths by seven handbreadths (about 21 inches) of kosher s'chach being enough for a kosher sukkah.

One does not even need to fill that area of seven-by-seven *tefachim* with s'chach. One may leave an area up to three *tefachim* empty between each piece of s'chach. This is based on the law of *lavud*, that considers all items less than three tefachim apart to be joined together. Thus, one may have air space in one's s'chach up to three tefachim [3], and the walls of the sukkah are valid--even if they only reach to within three *tefachim* (about 10 inches) from the ground.

At least according to some opinions (see Sukkah 4b), one need not worry about building any walls for the sukkah. Instead, one can place four poles on the corners of one's roof and rely on the principle of *gud asik mechitza*, the wall from below is considered to extend upwards. The Gemara has a further debate as to whether this lenient view might also apply to the middle of a roof, quoting Rav Yaakov's view that one may put four poles in the ground (which the Gemara equates to the middle of the roof) and rely on the ground below to serve as the walls above.

Using the law of *lavud*, all would agree that a series of poles, wherever they may be placed, that are within three *tefachim* of each other would constitute valid walls.

What the Gemara does not explain (perhaps speculate would be a better term) is what the meaning and message behind these laws might be [4]. As it relates to the notion of a sukkah [5], perhaps these laws reflect the Divine protection of the Jewish people. One of the basic teachings of our faith is that "one may not rely on miracles" [6]. It is up to man to make whatever efforts he can. We never know how or when God may intervene; thus, we must act as if, *kivyachol*, there is no God. At the same time, we must never lose sight of the fact that without God's help, our efforts would be for naught. Perhaps this is reflected by the sukkah--we have many ways to build it. Sometimes it requires less work, other times more--but ultimately, that matters little. No matter our efforts, it is God who protects us.

[1] To expand upon two of the seven examples: "pomegranate" teaches that a hole the size of such renders a vessel unfit for use and no longer subject to the laws of purity; "olive" teaches that the prohibitions of forbidden foods are violated when one eats an amount of food the size of an olive.

[2] These laws of chatzitzta have great relevance today in the use of a mikvah, where there must be no barrier between the water and that which is being immersed. The exact definition of a barrier is defined by the oral tradition.

[3] While air space, per se, would not invalidate a sukkah, one must still ensure that the s'chach provide more shade than sun.

[4] I recall Rav Schachter mentioning in the name of Rav Soloveitchik the view of some scholars that wood was scarce in the land of Israel, and the rabbis had to devise ways to build a sukkah using very few resources. While this may be historically true (can someone enlighten us?), it only explains the impetus for the rabbis to discover and bring to light these laws--but does not explain the mechanism of such laws. It is, the Rav noted, akin to explaining the invention of nuclear weapons. To say that such a device was needed to end World War II might very well be true, but only explains what the historical reasons were that caused scientists to search for and find an effective method to end the war.

[5] The laws of *dofen akumah*, *lavud*, and *gud asik mechitza* apply in all areas of Jewish law, and one would need to search for layers of meaning for the various applications of these laws.

[6] The Gemara (Pesachim 64b) quotes a dispute between Abaye and Rava as to whether one could rely on the Temple gates closing miraculously on their own to help control the crowds on erev Pesach. Yet the commentaries explain that even Abaye, who relies on such a miracle, would say so only in regard to the Temple, where miracles abounded. Alternately and very powerfully, they explain that when the Jewish people come together as a community, we may rely on miracles. (Sadly, it seems that it will take a miracle for the entire community to come together.)

Shulchan Aruch in סימן תרלב - דברים הפוסלים בסכך

א סכך פסול, פוסל באמצע בד' טפחים; אבל פחות מד', כשרה, ומתיר לישן תחתיו מן הצד אינו פוסל אלא בד' אמות, אבל פחות מד' אמות, כשרה דאמרין דפן עקמה, דהינו לומר שאנו רואים קאלו הפתל נעקם ויחשב זה הסכך הפסול מגוף הפתל, ודבר זה הלכה למשה מסיני. הילכה בית שגנפת באמצע וסכך במקום הפתח ונשאר מן התקרה סביב בין סכך כשר לקתלים פחות מארבע אמות, כשרה, ומיהו אין ישנים תחתיו כל זמן שיש בו ארבעה טפחים.

Yisrael Bankier writes:¹⁰

The *Mishnah* (1:10) lists three cases that related to *dofen akuma*. This rule allows for up to four *amot* of invalid *s'chach* adjacent to a wall. The wall is considered curved and in direct contact with the valid *s'chach*. This principle is not derived from logic; rather it is a *halacha le'Moshe mi'Sinai*.

Let us ask a basic question: how does *dofen akuma* work? *Rashi* (*Sukka* 17a) brings two understandings. The first is that we view the *pasul s'chach* as part of the wall and that the wall is bending at the top, meeting the *kosher s'chach*. The second understanding, which *Rashi* rejects, is that we view the wall itself as if it is bending underneath the invalid *s'chach* and touching the valid *s'chach*. *Rashi* dislikes this second understanding because the *Mishnah* rules that if there is only three *tefachim* of air space between the walls and *s'chach* then the *sukkah* is invalid. According to the second understanding we should have simply been able to rely on *dofen akuma* and view the wall as if it was bending and touching the *s'chach*.

The *Gemara* earlier (4a) discusses another case that also ultimately relies on *dofen akuma*. We started the *Masechet* by learning that the maximum height of a *sukkah* is twenty *amot*. The *Gemara* discusses the case of a three-walled *sukkah* that is taller than twenty *amot* and teaches that one can build a platform, thereby raising the floor of the *sukkah* to within twenty *amot* of the *s'chach*. This is true even the platform is adjacent to only two of the walls, provided that it is

¹⁰ <https://www.mishnahyomit.com/articles/Sukkah/Dofen%20Akuma>

within four *amot* of the third since we can rely on the *dofen akuma*. The question there is how does *dofen akuma* help?

Once again, the two understanding can be applied in this case. The *Ran* explains that we view the space between the wall and the platform, including the *s'chach* above, as the thickness of the wall. However, as walls are naturally bent, we consider this “thick” wall to have bends as well. This understanding aligns with *Rashi*'s first explanation above. The *Ran* also rejects the second understandings for the same reason as *Rashi* earlier.

Interestingly, the *Ran* and *Ritva* there cite *Rashi* who explains that we view the wall as if it is bending toward the platform. Such an explanation is one that *Rashi* rejected earlier. We do not have this explanation of *Rashi* printed in our *Gemara* but rather have *Rashi* explaining in a similar manner cited earlier, that aligns with the *Ran*.

Even though our text of *Rashi* does not present this contradiction it is nonetheless worth addressing. The reason is that the *Rambam* appears to provide a different explanation in our case and the case of the platform. In our case he explains (*Sukkah* 5:14): “...we consider the wall to be bent and the *pasul s'chach* to be part of the wall.” This aligns with the first explanation. In the case of the platform, the *Rambam* explains (*Sukkah* 14:14): “...it is as if the walls are touching the platform...” The *Maggid Mishnah* understands that the *Rambam* here is consistent with the second understanding – the wall is consider bending in.

Rav Soloveitchik (*Harerei Kedem* 102) answers that there are two *dinim* in *dofen akuma*. In the case of the platform, bending the wall at the top would not help as it the wall is still too far from the platform. The *s'chach* itself is fine, albeit too high from the ground. It is bringing the wall closer to the platform helps. In our case however we cannot bring the wall closer to the *kosher s'chach* as there is *pasul s'chach* that prevents it from doing so. The issue however is resolved if the *pasul s'chach* becomes considered part of the wall. The *Rav* notes both methods cannot be applied at the same time. For example, if there was also *pasul s'chach* in the space between the platform and third wall, the *sukkah* would be *pasul*.

The *Kesef Mishnah* finds it difficult to suggest that the *Rambam* understands that *dofen akuma* acts differently in the different cases. Instead, he suggests that we have misunderstood the *Rambam* in the case of the platform. Instead, the *Rambam* holds the same position as the *Ran* that the walls are considered as if they are touching the platform in combination with the *s'chach* in that space.

The *Aruch Hashulchan* (632:3) resolves the apparent contradiction by combining both explanations. The first step in the *halacha* of *dofen akuma* is that we consider the *pasul s'chach* as if it is part of the wall. He understands that this alone is insufficient as the *kosher s'chach* is still at a distance from the (upright) wall. He continues to explain after the first step is achieved, we then view the wall as if it is bending towards the *kosher s'chach*. Both steps however are required.

Dofan Akuma and Stretching Walls of a Sukka to Connect to Distant Sekhakh

Rav Moshe Taragin writes:¹¹

The *mishna* in *Sukka* (17a) **our daf** cites several instances of a *sukka* whose walls are distant from the kosher *sekhakh*. One example is a house which was converted into a *sukka* by opening a hole in the middle of the roof/ceiling and filling the area with *sekhakh*. A similar case would involve a group of houses lining a courtyard with veranda-like extensions protruding from each unit. If a person were to hang *sekhakh* from one veranda roof to another, he would effectively construct a *sukka* whose *sekhakh* is distant from the actual walls - in this instance, the walls of the houses which are separated from the *sekhakh* by the veranda overhang.

The *mishna* also cites a standard case of distant *sekhakh*, where a person fills the borders of the *sekhakh* roof with invalid *sekhakh* and inserts halakhically valid *sekhakh* only in the CENTER of the roof. In each instance, the *mishna* validates the *sukka* as long as the distance between the valid *sekhakh* and the walls of the *sukka* does not exceed four *amot*. In these cases, the principle of *dofen akuma* (literally, "a slanted wall") is employed, allowing the *sekhakh* to be placed at a less than four *amah* distance from the *sekhakh*. This principle was transferred to Moshe as *halakha le-Moshe mi-Sinai*.

In two instances, Rashi (4a and 17a) interprets the principle of *dofen akuma* as a mechanism for converting invalid *sekhakh* located at the borders into an extension of the walls. Although a typical wall is vertical, part of the wall can also run horizontally. By viewing the base vertical wall as extending through the horizontally placed invalid *sekhakh*, the "slanted" wall actually DOES CONNECT with the kosher *sekhakh* located at the center of the roof.

The Ritva (4a) cites an alternative understanding of *dofen akuma*, which he believes is actually the position of Rashi (although it differs sharply with our version of Rashi). The Ritva claims that the principle of *dofen akuma* considers the wall of the *sukka* to be in the ACTUAL LOCATION of the valid *sekhakh*. Instead of connecting with the *pasul sekhakh* and creating a wall at a right angle so that the actual wall connects with the valid *sekhakh*, *dofen akuma* simply allows the distant wall to be viewed as "connected" with the *sekhakh* even though there is no actual physical connection. We imagine that the walls of the *sukka* slant forward to meet the kosher *sekhakh* located in the middle of the *sukka*. From a geometric standpoint, employing *dofen akuma* converts a rectangular *sukka* into a trapezoid.

There are several differences which emerge from the opposing models of *dofen akuma*. The most obvious question concerns sitting under the invalid *sekhakh*. In Rashi's classic version, in which the invalid *sekhakh* is considered part of the wall, one would not be permitted to sit under the invalid *sekhakh*. One is required to sit under *sekhakh*, not a wall, and the principle

¹¹ <https://www.etzion.org.il/en/talmud/seder-moed/massekhet-sukka/dofan-akuma-and-stretching-walls-sukka-connect-distant-sekhakh>

of *dofen akuma* transforms the invalid *sekhakh* into part of the wall. The Ran explicitly claims that according to Rashi, the *mitzva* cannot be fulfilled by sitting under the invalid *sekhakh* that has now become a wall.

In contrast, the opposing model would allow for fulfilling the *mitzva* by sitting under invalid *sekhakh*. According to this approach, the *sekhakh* has not become a wall; it remains *sekhakh*, but the wall is visualized as connected to the *kosher sekhakh* in the middle of the *sukka*. By fashioning this trapezoid, we may mandate sitting anywhere in the *sukka*. Anywhere you are positioned in the trapezoid, you are sitting under the upper parallel line.

A different question involves the application of *dofen akuma* in situations where the walls do not actually connect to the *sekhakh*. The first model may only be applicable if the physical wall touches the *sekhakh*. Only in this instance can we fashion a new right-angle wall to connect with the kosher *sekhakh* situated at the center of the *sukka*. If *dofen akuma* creates an imaginary slant of the outer walls to the kosher *sekhakh*, we would care little about the presence of a physical connection at the right-angle corner between the vertical walls and the horizontal *sekhakh*.

An interesting, related question is posed by the *Korban Netanel*, a commentary on the Rosh. Rabbi Yoshia (*Sukka* 7b) claims that walls must also provide shade and therefore may not be constructed from transparent material. In explaining this position, which is not accepted as the *halakha*, several *Rishonim* assert that Rabbi Yoshia equated *sekhakh* and walls, applying all *sekhakh* standards to the walls themselves. Would Rabbi Yoshia accept the notion of *dofen akuma*? Would he allow converting invalid *sekhakh* into a wall and forming a right-angle wall to connect to the kosher *sekhakh* in the middle of the *sukka*? The *Korban Netanel* claims that he would not, since anything invalid to be *sekhakh* is similarly invalid to be a wall. Thus, the option of converting invalid *sekhakh* into a right-angled wall is unacceptable. Although the *Korban Netanel*'s position is debated, it is clear that if the *dofen akuma* principle transforms the rectangle into a trapezoid, even Rabbi Yoshia could accept it. According to the second model, *dofen akuma* does not convert *sekhakh* into walls; rather, it migrates the wall in the direction of the kosher *sekhakh*. This migration is possible even according to Rabbi Yoshia's position, which applies *sekhakh* standards to walls.

Another interesting question involves applying *dofen akuma* to *sekhakh* which is higher than twenty *amot*. The *gemara* (4a) describes a giant *sukka* to which was added a "stage," effectively raising the floor level and reducing the height of the *sukka*. If this stage was built along one corner of the *sukka* adjacent to two walls, we may be forced to invoke *dofen akuma* to draw the third wall closer to the stage and provide a three walled *sukka* surrounding it (effectively yielding a three-walled *sukka* of less than twenty *amot*). The *gemara* is initially unsure as to whether *dofen akuma* can help in this situation. In its typical employment, *dofen akuma* moves walls to bypass/run through invalid *sekhakh*, but in this instance, the walls themselves are invalid

because they are too high. Can we use the principle of *dofen akuma* to move a wall toward a stage, thereby reducing its height and validating it for a *sukka*? Can *dofen akuma* be employed to create halakhic walls or only to reconfigure the angles of a *sukka* and legitimate its dimensions? Despite initial doubts, the *gemara* ultimately concludes that *dofen akuma* can render halakhic walls as well.

Perhaps the deliberation surrounds the differing models of *dofen akuma*. If the process recreates right angled walls, it might not be effective in reducing the height of the wall and creating a lower one. The distance from the stage to the *sekhakh* that is at a right angle to the distant wall is indeed less than twenty *amot*. But the part of the wall, including the *sekhakh* "converted" into wall, that spans the area beyond the partial stage is too high. The magic of *dofen akuma* allows the walls to connect to the *sekhakh* above the stage and render that part less than twenty *amot* tall, but the remainder of the wall is still above twenty *amot* and therefore invalid.

If *dofen akuma* does not build right angle walls but rather trapezoid *sukkas*, it may indeed solve the problem of walls that are too high. If *dofen akuma* stretches or slants the wall to meet the *sekhakh* above the stage, the top of the wall hits the *sekhakh* above the stage and no part of the wall is higher than twenty *amot*. The *gemara's* deliberation as to whether to apply *dofen akuma* in this situation may be based on the *gemara's* uncertainty as to the mechanism of *dofen akuma*.

This reading yields an interesting scenario. It is possible that different SITUATIONS involve different versions of *dofen akuma*. Merely connecting walls to distant *sekhakh* may only require the construction of right-angled walls. However, moving higher than twenty *amot* walls to meet the *sekhakh* above a constructed stage may require bending walls into a trapezoid form. *Dofen Akuma* may be a halakhic principle which possesses multiple variations, some of which apply in one instance and others that apply in other contexts. Asserting this variation may lead to different limitations upon *dofen akuma* in different applications.

Rav Soloveitchik suggested this approach to solve a contradiction in the Rambam. When the Rambam describes the use of the *dofen akuma* principle to solve the problem of invalid *sekhakh* on the border, he defines *dofen akuma* as the construction of right-angle walls. When he describes *dofen akuma* as rendering lower than twenty *amah* walls, however, he speaks of bending walls into trapezoid form. Perhaps the Rambam envisioned different models of *dofen akuma* operating under different circumstances.

The Basic Construct of the Sukkah

Rabbi Josh Flug writes:¹²

The Mishna, *Sukkah* 2a, states that a sukkah requires three walls. The Gemara, *Sukkah* 6b, quotes a *Beraita* that in reality, it is sufficient to have only two whole walls and the third wall may be one *tefach* (approximately 3.15-3.78 in.) wide. The conclusion of the Gemara, *Sukkah* 7a, is that if one wants to construct a shorter third wall, that side must have a *tzurat hapetach* (a representative door frame) spanning the length of the third side. This means that there is a post on each side and a beam on top of the posts. [See Rama (1520-1572), *Orach Chaim* 630:2 and R. Yisrael M Kagan (1838-1933), *Mishna Berurah* 630:13, regarding the use of the *s'chach* as the top post.] Furthermore, one should use a board slightly bigger than a *tefach* and place it slightly less than three *tefachim* from the corner to create a wall of four *tefachim*. [See figure 1.]

The Gemara also distinguishes between a sukkah whose two whole walls are adjacent and a sukkah whose two walls are opposite each other. If the two walls are adjacent, a *tefach* is sufficient on the third wall if there is a *tzurat hapetach*. If the two walls are opposite each other, the third wall must span seven *tefachim*, which can be accomplished by placing a board slightly bigger than four *tefachim* within three *tefachim* of the corner. [See figure 2.] Rambam (1135-1204), *Hilchot Sukkah* 4:3, requires a *tzurat hapetach* for the wall of seven *tefachim* and Rabbeinu Asher (c. 1250-1328), *Sukkah* 1:6, does not require it.

The Concept of *Lavud*

There is a concept known as *lavud* that treats gaps of less than three *tefachim* as if they are enclosed. This is why a board that is slightly bigger than one *tefach* can be placed within three *tefachim* of the corner to create a four *tefach* wall. The same applies to the four *tefach* board that creates a seven *tefach* wall.

Tosafot, *Sukkah* 16b, s.v. *B'Fachot*), note that one cannot create a wall completely based on *lavud*. Therefore, one cannot construct walls of vertical or horizontal strips within three *tefachim* of each other. [See figure 3.] In order to construct a valid wall, the wall must extend horizontally and vertically across the required length and width of the wall. R. Avraham Gombiner (c. 1633-1683) *Magen Avraham* 630:1, understands that the opinion of Tosafot is that one can only create walls of vertical or horizontal strips if the strips enclose four walls. *Mishna Berurah*, 630:7, codifies the opinion of Tosafot as understood by *Magen Avraham*. Nevertheless, *Mishna Berurah*, *Sha'ar HaTziyun* 630:49, does allow vertical or horizontal strips on a three-walled sukkah when there are other mitigating factors.

¹² <https://www.yutorah.org/lectures/lecture.cfm/737767/rabbi-josh-flug/the-construction-of-a-sukkah/>

Gud Asik: Projecting the Walls Upward

The Gemara, *Sukkah* 4b, cites a *Beraita* that records a dispute as to whether one can build a sukkah without walls on the top of a flat roof. There is further dispute in the Gemara whether the *Beraita* is dealing with a case where the *s'chach* extends across the entire roof and the walls of the house are aligned with the *s'chach* [see figure 4] or whether the *Beraita* is dealing with a case where the *s'chach* is not aligned with the walls of the house. [See figure 5.]

Rambam, *Hilchot Sukkah* 4:11, rules that if the *s'chach* is aligned with the walls of the house, the sukkah is valid. If the *s'chach* is not aligned with the walls of the house, the sukkah is invalid. Rabbeinu Asher, *Sukkah* 1:6, rules that in either case, the sukkah is invalid. R. Yosef Karo (1488-1575), *Shulchan Aruch, Orach Chaim* 630:6, quotes both opinions but seems to side with the opinion of Rabbeinu Asher.

The Gemara states that the basis for allowing a sukkah that has no walls at the edge of the roof is the principle of *gud asik mechitzta* (the wall extends upwards). Therefore, the walls of the house extend upwards to create the walls of the sukkah. As such, those who do not accept the validity of such a sukkah seem to reject the application of *gud asik mechitzta* to the laws of sukkah. Yet, the Mishna, *Sukkah* 16a, states that the walls do not have to extend all the way up to the *s'chach*. It is sufficient if the walls are ten *tefachim* high. If one does not apply *gud asik mechitzta* to the laws of sukkah, how does one explain why a sukkah does not require walls that extend to the *s'chach*?

R. Ya'akov Yisrael Kanievsky (1899-1985), *Kehillot Ya'akov, Sukkah* no. 4, explains that there are two ways to understand why a sukkah does not require walls that reach the *s'chach*. First, the principle of *gud asik mechitzta* projects the walls up to the *s'chach*. Second, there is no requirement for the walls of the sukkah to reach the *s'chach*. The walls of the sukkah don't need to enclose the sukkah, but rather to demarcate the sukkah. As long as the sukkah contains three walls of ten *tefachim*, they are effective in demarcating the sukkah.

R. Ya'akov ben Asher (1269-1343), *Tur, Orach Chaim* no. 630 and *Shulchan Aruch, Orach Chaim* 630:9, rule that if the walls are not directly under the *s'chach* but are within three *tefachim* of the *s'chach*, the sukkah is valid, even in a situation where the walls are only ten *tefachim* tall. [See figure 6.] R. Akiva Eger (1761-1837), in his responsa (no. 12) questions this ruling. He infers from a comment of Rabbeinu Nissim (1320-1380), *Sukkah* 9a, that one cannot combine the concept of *lavud* with another leniency. As such, one cannot project the walls vertically using *gud asik mechitzta* and then project them horizontally using *lavud*. R. Kanievsky notes that one can resolve the leniency to allow a ten *tefach* wall that is not directly under

the *s'chach* by asserting that allowance of a ten *tefach* wall is not based on *gud asik mechitzta*, but rather on the lack of a requirement for the sukkah walls to enclose the sukkah. There is no special leniency allowing a ten *tefach* wall and therefore, *lavud* may be applied.

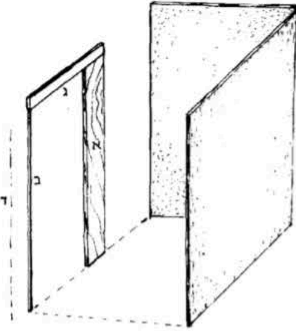


Figure 1
Image from Peirush Chai

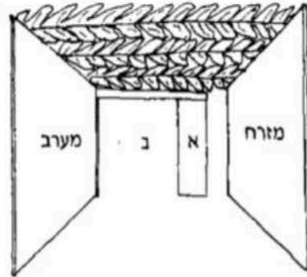


Figure 2
Image from Peirush Chai

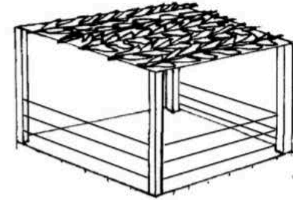


Figure 3
Adapted from Peirush Chai

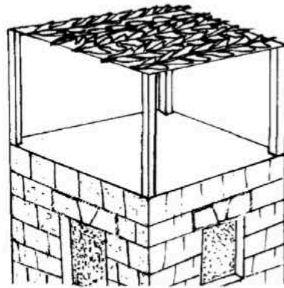


Figure 4
Image from Peirush Chai

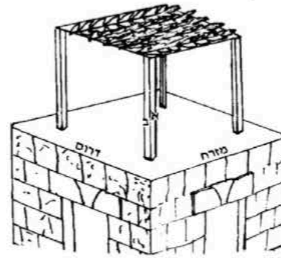


Figure 5
Image from Peirush Chai

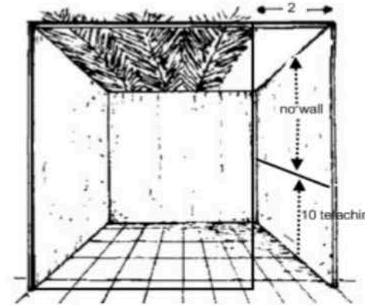


Figure 6
Adapted from Peirush Chai

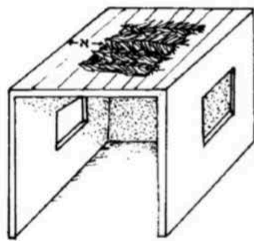


Figure 7
Image from Peirush Chai

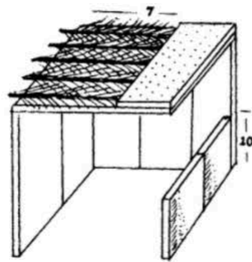


Figure 8
Image from Sefer HaSukkah

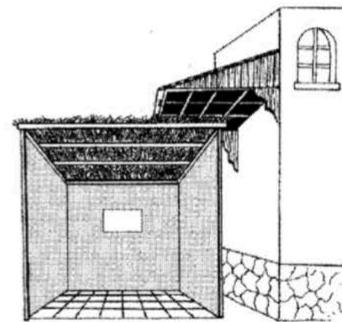


Figure 9
Image from Chiku Mamtakim

Dofen Akuma: The Bent Wall

The Mishna, *Sukkah* 17a, states that if there is a hole in the roof of a house, one may place *s'chach* on the hole and use it as a sukkah provided that there are less than four *amot* (approximately 75.6- 90.72 in.) from the walls of the house to the hole. [See figure 7.] The Gemara, *Sukkah* 4a, states that the Mishna is based on the principle of *dofen akumah* (crooked wall) that allows us to view the ceiling of the house as part of the wall.

Rabbeinu Nissim, *Sukkah* 2a, s.v. *Banah*, explains that the principle of *dofen akumah* is that we view the wall and the ceiling as one unit that is bent towards the *s'chach*. Based on this explanation, Rabbeinu Nissim contends that this principle is only applicable if the wall extends up to the ceiling. If there is a gap between the wall and the ceiling, one cannot apply *dofen akumah*. [See figure 8.] R. Yosef Karo, *Beit Yosef, Orach Chaim* no. 632, notes that *Tur, Orach Chaim* no. 632 has a different understanding of *dofen akumah*. According to *Tur*, we view the ceiling as an extension of the *s'chach*. R. Karo notes that although *Tur* agrees with Rabbeinu Nissim that one may not fulfill the mitzvah sitting under the ceiling portion, *Tur* will disagree and maintain that *dofen akumah* is valid even if the wall does not extend to the ceiling. *Magen Avraham* 632:1, codifies the opinion of Rabbeinu Nissim. R. David HaLevi Segal (c.1586-1667), *Taz, Orach Chaim* 632:1, codifies the opinion of *Tur*.

A more common scenario relevant to this discussion is the case of an overhang that is above the level of the *s'chach*. [See figure 9.] R. Meir Eisenstat (1670-1744), *Panim Me'irots* rules that Rabbeinu Nissim would not apply *dofen akumah* and one should not count that wall as one of the walls. *Mishna Berurah, Bei'ur Halacha* 632:1 cites R. Eisenstat's comments. R. Avraham D. Wahrman (1771-1840), *Eshel Avraham* no. 632, contends that as long as the wall extends to the *s'chach*, Rabbeinu Nissim will apply *dofen akumah*, even if the overhang is above the level of the *s'chach*.

DOFEN AKUMAH – The Dotted Line Wall-S'chach Connector

Rabbi Mendel Rubin writes:¹³

The law of Dofen Akuma is relevant in cases where Sukkah walls and Sukkah *s'chach* don't align. For example, a house with an awning or protruding rooftop. You want to utilize the sturdy house wall as one of your Sukkah walls, but the Kosher rooftop of the Sukkah doesn't begin until a foot or two out where the home's awning or rooftop ends.

¹³ <https://www.shabboshouse.org/mendels-messages/mishna-sukkah-life-metaphors/>

Mishna Sukkah's Dofen Akuma law allows for that, it creates kind of a legalistic virtual dotted line from the wall to the S'chach, a diagonal connection which makes it work and makes the wall still count. But here's the thing about walls and S'chach. The rules for Sukkah walls are much more flexible. Sukkah walls can be made out of almost anything: plastic sheeting, wooden panels, old doors, canvas tarps, existing exterior walls of a home – you name it. But the rules for S'chach are much more particular and restrictive. It has to be cut vegetation; it has to be in a raw state (not made into something specific). And S'chach is the more spiritual or holy part of the Sukkah.

This is very important in my life and for those like me. My parents gave me a solid foundation, they raised me with values and taught me so much. And Rabbi Mendel keeps telling me to give them more credit, he keeps insisting they've instilled so much in me in so many ways that I don't even realize. Family is a huge part of our life, and throughout our lives.

But as I've grown along my own spiritual and religious journey and life path, I sometimes find that the wall they built for me and my own S'chach don't exactly align. They don't always match up. So, you might think that we've grown apart in this regard, maybe it's too different, it doesn't line up exactly, it doesn't connect, could it be that the wall they built for me doesn't reach and support my S'chach? You could think that old wall of my youth doesn't work for me anymore.

That's where the Dofen Akuma law comes in and teaches us something really important and beautiful: The wall my parents built for me still works!

It connects, it aligns, it remains my support. So much of who I am today is because of what they've shown, done and continue to do for me over the years. The dotted line of Dofen Akuma brings the wall my parents built for me and my personal S'chach spiritual growth together as one.

Reb Yeivi's Succah

According to Jewish law, the area beneath a dofen akuma is not considered to be within the Succah, and as long as the outcrop is less than four cubits, it does not invalidate the rest of the Succah.

LEVI COOPER writes:¹⁴

¹⁴ <https://www.jpost.com/not-just-news/reb-yeivis-Succah-419655>



A man passes assembled succot in the ultra-Orthodox neighborhood of Mea She'arim in Jerusalem

We all have our favorite festivals, our most beloved customs, our pet rituals. For Rabbi Ya'akov Yosef of Ostroh (1738-1790) – or Reb Yeivi, as he was known – it was the festival of Succot and the mitzva of the Succah. Indeed, Reb Yeivi would say that the mitzva of Succah was unparalleled: Which other commandments do you enter, boots and all?! When building his Succah, Reb Yeivi would spare no expense – he would even cover the muddy ground with floorboards. Moreover, he would not employ help from anyone; rather, he would purchase the materials and build the Succah on his own, for under no circumstances did he want to share the opportunity to fulfill this beloved commandment.

Once, one of his disciples saw him at the market carrying the s'chach covering for the Succah. The student offered to carry it to his home. Reb Yeivi would have nothing of it, saying, “Why don't you go to the shop and suggest to the shopkeeper that he leave his shop and you will receive all the goods in his stead?” But some of Reb Yeivi's structural work in the Succah was surprising.

Specifically, he would make a point of constructing a *dofen akuma*. Literally a “bent wall,” this refers to a protruding overhang. According to Jewish law, the area beneath a *dofen akuma* is not considered to be within the Succah, and as long as the outcrop is less than four cubits, it does not invalidate the rest of the Succah.

Clearly, there is no reason for a person to purposely build an overhang, so why did Reb Yeivi invest time, energy and, presumably, money in order to ensure that his Succah had a *dofen akuma*? He simply explained that because the sages discuss the rules of a *dofen akuma*, it was reason enough for him to want to have one in his Succah!

Reb Yeivi was so committed to his Succah that he would enter it at the beginning of Succot and remain there for the duration of the festival, not leaving until the end of the holiday. Even if it rained, he would not budge from his beloved Succah.

People pointed out to him that there was no obligation to remain in a Succah during a downpour, and that the Talmud called a person who sat in the Succah in the rain a hedyot, a simpleton. Reb Yeivi responded: “I want to be that person that the Talmud goes to the trouble of calling a hedyot!”

In Ostroh, there was a popular debate as to what was the bes s’chach to use. One group, led by Rabbi Pinhas Shapira of Koretz (1726-1791), advocated reeds and bushes from near the lake. Another group, headed by Reb Yeivi, felt it was better to use trees from the forest.

Reed and bush proponents pointed to the numerous flies that came with the forest trees, making the Succah experience entirely unpleasant. Reb Yeivi countered: “Flies are drawn to the Succah because of gossip and idle chatter, not because of the type of foliage used for s’chach.”

Rabbi Pinhas was unconvinced. He once visited Reb Yeivi’s Succah and, as he entered, he immediately pointed accusingly at a fly buzzing around. Could it be? Was Reb Yeivi speaking gossip in his Succah? Reb Yeivi explained: “That fly came here in your honor, because you won’t admit that flies come because of gossip!” Rabbi Zusha of Annopol (1718-1800) once came to visit Reb Yeivi on Succot.

When it came time to turn in, Reb Yeivi offered Reb Zusha a bed in the Succah. Reb Zusha replied that he was fine sleeping on its floor. Reb Yeivi protested that Reb Zusha might catch a cold. Reb Zusha, however, was unmoved, and he lay down on the cold floor, with no blankets.

Reb Yeivi lay down on his bed and snuggled up under a thick blanket. In a thin voice, Reb Zusha said: “Zusha is cold.” Suddenly, it was a little warmer in the Succah.

Again, Reb Zusha piped up: “Zusha is cold,” and the Succah got even warmer. Perspiring in his bed, Reb Yeivi threw off his thick blanket. A third time, “Zusha is cold,” and the Succah became like a furnace. Reb Yeivi cried out: “Reb Zusha, what are you trying to do? Do you want to burn down my Succah?!”

In the year 1791, Reb Yeivi expired with Succot. While lying sick in his Succah on 21 Tishrei – the last day of the festival before the onset of the additional festival of Shmini Atzeret – he taught his students a final lesson on Psalms 53.

Unexpectedly, Reb Yeivi digressed from the lesson, saying: “As long as I am fulfilling the commandment of Succah, he has no power of me.” Reb Yeivi asked his students to move his bed and place it below the dofen akuma. His students, not fully understanding the implication of the cryptic request, hastened to do the bidding of their master. Alas, once out of the Succah, Reb Yeivi died.