

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

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Lecture #16: Two-Plus Walls of a Sukka

In previous lectures, we discussed the general definition of walls of a *sukka* and the role they play within the *sukka*. We probed the degree to which *sukka* walls can be compared with walls used to create a *reshut ha-yachid*, a private domain, on *Shabbat*. Although, in general, the definition of *sukka* walls is more stringent than that of *Shabbat* walls, there is one area of leniency applicable specifically to *sukka* walls.

Both a *sukka* and a *reshut ha-yachid* require three walls to define their space. An area surrounded by three walls is zoned as a *reshut ha-yachid* for *Shabbat* and one may carry within those boundaries. Similarly, the *gemara* (*Sukka* 6b) induces from the iterations of the word “*sukka*” in the Torah that three walls are the basic requirement of a *sukka*. However, in the case of a *sukka*, the *gemara* acknowledges that a *Halakha le-Moshe mi-Sinai* REDUCES the required size of the third wall. Although primary *sukka* walls must be at least seven *tefachim* long, the third wall of a *sukka* may even be a minimal size – as the *gemara* refers to it, a “*mah she-hu*.” This lecture will examine the status of this strange wall of a *sukka*.

One approach to understanding this *halakha* is rooted in a debate surrounding another discussion in the *gemara* (19a). The *gemara* asserts that it is permitted for one to sit in an area contained within the space of the *sukka* walls even if he is not directly shielded by the walls. The typical example of a *sukka* of two walls and a “minimal” third wall is a case of two classic sized PERPENDICULAR walls (shaped as an “L”) with the third minimal wall emanating

from either leg of the “L.” A person is certainly allowed to sit within the space covered by the third protruding minimal wall. The *gemara*, however, also allows a person to sit within the entire “space” of the “L,” even though he may not be sitting within the area covered by the length of the third wall and he is therefore not shielded by “three walls.” This allowance is described as the “*pesal*” rule (literally, the rule allowing a person to sit in a NON-HALAKHIC *sukka* associated with a legitimate one).

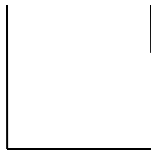
Based upon this reading of the *gemara* on (19b), Rashi (4a) allows a person to sit in a different type of “*pesal*” *sukka*, even though in that instance he is not sitting within the area of three *halakhic* walls. After all, the third wall of a *sukka* only protrudes minimally, and yet a person may sit along the length of its vector! Presumably, the *pesal* allowance permits sitting in an area associated with a kosher *sukka* - even if a person does not sit within the area of the three walls.

The Rosh cites a position of Rabbenu Yeshaya which argues with Rashi. A person must ALWAYS sit within the area of three walls to fulfill the mitzva. Although the third minimal wall does not actually extend along its entire vector, the *Halakha le-Moshe mi-Sinai* rule allows us to VIEW it that way. Instead of relating to it as a minimal wall, it should rather be seen as a virtual wall. Even though the actual length of the wall is minimal, *halakha* considers it a seven *tefach* wall. In allowing a person to sit all along that third wall’s vector, the *gemara* (19a) is not permitting sitting OUTSIDE the area of the walls, like Rashi argues. Thus, that *gemara* does not invite similar extrapolations to other cases of non-three-walled *sukkot* associated with valid *sukkot*.

Rashi and Rabbenu Yeshaya debate the very nature of the *Halakha le-Moshe mi-Sinai*. Did it permit the use of a short third wall and allow a *sukka* of two walls and a tiny wall protruding from either end, or did it allow us to view that third wall as VIRTUALLY EXTENDING along the ENTIRE width of the *sukka*? According to Rashi, the *Halakha le-Moshe mi-Sinai* unilaterally permitted sitting in a *sukka* with a short third wall, while according to the Rabbenu Yeshaya, the third wall can be viewed as an imaginary trajectory.

Perhaps this question influenced the differing views regarding the positioning of the minimal wall. The *gemara* cites the opinion of Rav that the third short wall must be positioned opposite the “extension” (“*yotze*”). The *Rishonim* are unclear what this means. Rashi interprets this requirement as we noted earlier: the third wall should extend from either part of the “L.” The Ramban (in the *Milchamot Hashem*) and the Ritva claim that the extra small wall should be placed at either corner of the shape not filled by the two walls shaped as an “L.” In other words, either the third wall should be situated directly across from the top of the vertical leg of the “L” (option A below) or directly across from the edge of the horizontal part (option B below).

Option A



Option B



It would appear that Rashi and the Ramban are debating the nature of this halakhically approved minimal wall. Rashi (consistent with his earlier explanation) believes that the third wall can be of minimal length. Essentially, a *sukka* consists of two walls and a small protrusion. In order to affix that wall to the rest of the *sukka*, it must PHYSICALLY protrude from either leg. In contrast, the Ramban saw this third wall as a virtual wall that extends along the entire vector. By positioning it at the far end, a virtual enclosure is created in the space between the primary walls and the third virtually extending wall. There is no need to physically affix this wall to the “L,” and it may be preferable to space it toward the end of either vector to encourage the creation of the virtual closure.

Having cited Rav's opinion, the *gemara* (7a) cites the opinion of Rav Kahane and Rav Assi, who suggest placing the extra third wall in a diagonal slant emanating from one of the legs of the "L" in the direction of the other leg (or, as the *gemara*, refers to it, "*reish tor*"). It would appear that this opinion would NOT view the extra short wall as virtually extending along its entire vector. If that were the case, the extended wall would threaten to "clip" the required area of the *sukka* and reduce it beneath its halakhic minimum. It seems that this position assumes that the third wall is simply a minimal wall of a *tefach* that does not extend and does not have to extend.

Ramban can easily explain the debate between Rav and Rav Kahane and Rav Assi. Rav believed that the *tefach* wall virtually extends and therefore placed the short wall at the end of one of the open vectors to create an enclosure. Rav Kahane and Rav Assi believed that the short wall does NOT extend and it should therefore protrude from one of the legs of the "L" as a diagonal to better indicate the closed space of a *sukka*. Rashi, who assumed, as a given, that the small wall is NOT virtually extended, would have a more difficult time distinguishing between Rav and Rav Kahane and Rav Assi and in explaining the basis of their dispute.

An interesting application of this type of *sukka* may lend additional support to the Ramban's view that the short wall virtually EXTENDS along the entire vector. Would this type of *sukka* – with two classic perpendicular walls and a *tefach* added - be considered a Biblical *reshut ha-yachid* within which carrying is permitted on *Shabbat*? Any space that is fenced in by three walls is considered a *reshut ha yachid mi-deoraita*; rabbinically, some adjustment must be performed along the fourth wall as well. Can a person carry within this area of a *sukka* on *Shabbat*?

This question is addressed by Rava (7a), who asserts that since this short wall is considered a wall for a *sukka*, it should also be considered a wall for *Shabbat*. This is a bold extrapolation but would seem to support the Ramban's contention. Outside of the world of *sukka*, this *tefach* wall should not be considered a wall. However, within the framework of a *sukka*, that *tefach* actually extends along the entire vector. Once extended to complete the *sukka*, the wall may also help create a complete closure for *Shabbat* purposes. If that third wall

does not virtually extend, it would be more difficult to view it as a viable *Shabbat* wall and a different mechanism would have to be asserted to explain Rava's extrapolation that one may carry within this area on *Shabbat*.

A fascinating position of Rabbenu Tam may support the view of his grandfather, Rashi, that the third wall is not considered as extending along the entire vector. The gemara in *Sukka* rules that the *sechakh* is invested with halakhic '*kedusha*' which prohibits mundane use. Unlike all mitzva objects which do not possess a distinct status of *kedusha*, the *sechakh* is unique. Responding to a gemara in *Beitza* 930b) which qualifies this *kedusha* status, the Rabbenu Tam claims that only *sechakh* which runs along the perpendicular "L" and the third minimal protrusion is invested with the *kedusha* status. The remaining *sechakh*, covering the rest of the walls does not possess this inherent *kedusha*. If the Rabbenu Tam viewed the third wall of a *sukka* as a virtually extending wall based upon the *Halakha le-Moshe mi-Sinai* it would be very difficult to limit the *kedusha* to the wall space of only a minimal part of that wall. If we virtually view the minimal third wall as extending along the entire vector, then in a scenario in which the ENTIRE WALL were built, it would be indistinguishable from the minor protrusion and should possess equivalent *kedusha*. It seems as if Rabbenu Tam agrees with Rashi that the *Halakha le-Moshe mi-Sinai* allowed a *sukka* to be crafted from two walls and a minor protrusion. Only the protrusion area of *sechakh* is invested with *kedusha* and not the entire length of the wall.