

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Lecture #12: Shade of *Sukka*

The *gemara* (2a) provides an additional reason why a *sukka* taller than twenty *amot* is invalid, *pasul*. Rabbi Zeira notes that if the walls are that high, the *sekhakh* no longer provides shade; instead, the shade is provided by the towering walls. Citing a *pasuk* in *Yeshayahu* describing an apocalyptic *sukka* which will "provide shade," Rabbi Zeira claims that a *sukka* whose *sekhakh* does not provide shade - in this instance because the walls are too high - is *pasul*.

Rabbi Zeira seems to remind us of a basic and essential part of the mitzva of *sukka*. Although the architecture and material of a *sukka* may be appropriate, if a person does not sit under the SHADE of the *sekhakh*, he has not fulfilled the mitzva. This may appear to be the obvious explanation for Rabbi Zeira's opinion, but an ensuing question and retort may suggest a different view. Abaye questions Rabbi Zeira's position: After all, he claims, a person could theoretically sit in a *sukka* beneath a lofty mountain, despite the fact that the mountain provides shade and, effectively, he does not sit in the shade of the *sekhakh*. If a *sukka* beneath a mountain is valid, why shouldn't a *sukka* with walls higher than twenty *amot* be? Logically, a very simple distinction could be offered in response. A person must sit under man-made shelter or shade regardless of what environmental or geological factors augment or diminish the "light source" being shaded. Just as clouds may dim the sunlight and reduce the "effect" of the shade, mountains may as well. The only diminishing factor that would invalidate the mitzva is a tree, since its *primary* purpose is precisely that of the *sekhakh*, rendering the latter redundant. Similar to a tree, a towering wall that eliminates

sunlight effectively eliminates the *sekhakh*-reduced shade under which the mitzva must be fulfilled.

Although this seems to be the obvious solution, the *gemara* responds with what may be a different distinction. The *gemara* defends Rabbi Zeira's position by claiming that if the mountains were removed, the *sekhakh* would provide shade, whereas if the walls were removed, the *sekhakh* would fall and be unable to function as providing shade. As Rashi comments, since the *sekhakh* would fail in its function of shade provision in the absence of the walls, it loses its status as *sekhakh*. The *gemara* may be suggesting a novel approach here. The mitzva of *sukka* does not have to be performed under SHADE; a person must merely sit under *SEKHAKH*. However, one of the conditions that define halakhic *sekhakh* is the ability to provide shade. Once *sekhakh* possess that potential, a person fulfills the mitzva solely by sitting under the *sekhakh*, even if, in theory, he does not sit within its shade. *Sekhakh* located under a mountain possesses the ABILITY to provide shade and is therefore deemed halakhic *sekhakh*, allowing for performance of the mitzva – even though the person does not sit in the actual shade of the *sekhakh*. In contrast, in a *sukka* taller than twenty *amot*, the *sekhakh* DEPENDS upon the walls architecturally; the *sekhakh* is incapable of providing shade alone. The *sekhakh* requires the walls, but those very same walls eliminate the *sekhakh*'s shade providing potential. Effectively, this *sekhakh* no longer retains its status as *sekhakh*.

In essence, we have translated one question into another. The *gemara* disqualifies walls higher than twenty *amot* but validates *sukkot* near mountains. If we require the actual shade of the *sekhakh*, the difference between mountains and walls lies in the former being natural while the latter is artificial. If we do not require shade but just shade-potential, walls - integral elements of the *sukka* architecture - subvert that potential, while mountains do not.

One issue that may be affected by this *chakira* concerns a *sukka* whose walls are higher than twenty *amot* but whose *sekhakh* is attached to the walls at a point lower than twenty *amot*. The excess walls above twenty *amot* clearly

"eclipse" the *sekhakh*, but the *sekhakh* is not dependent upon these walls. Must we disqualify the *sukka* since the eclipsing effect is produced by the walls and not by natural forces? Or can we dismiss this section of the wall as irrelevant, as we do to adjacent mountains, claiming that the integral *sekhakh* is valid independent of the upper portions of the walls? Presumably, this question depends on the differing interpretations of the difference between mountains and towering walls. If the mountain can be dismissed because it provides natural shade, we would not be able to claim the same dismissal of walls towering above the *sekhakh*. The mitzva demands that shade be provided by the *sekhakh*, and that can not occur in this case. If, however, we dismiss mountains because the *sekhakh* is not reliant on them architecturally and can be viewed as an independent shade-producing element, we may make the same claim about the portion of the walls higher than the *sekhakh*. Since the *sekhakh* is not connected to these walls, it does not rely on them for support, and the *sekhakh* can therefore be viewed as a self-contained shade-producing element. If we only require that the *sekhakh* be CAPABLE of providing shade INDEPENDENTLY, regardless of whether or not one actually sits in its shade, this *sukka* would be valid.

This question regarding the nature of the relationship between *sekhakh* and shade and the reason that a *sukka* higher than twenty *amot* is disqualified may be discerned in an interesting difference between the Yerushalmi and Bavli. Each cites the halakha, but each provides a different source for the disqualification. The Bavli cites the aforementioned pasuk in *Yeshayahu*, which requires "*tzel*," shade. In contrast, the Yerushalmi mentions a *pasuk* in Emor that teaches that a person should sit "in a *sukka*," the literal translation of the word *sukka* referring to the actual *sekhakh*. According to the Bavli, Rabbi Zeira may require that a person sit under actual SHADE, whereas the Yerushalmi may only require him to sit under SHADE-CAPABLE SEKHAKH.

The question of the "role" of shade can be detected in a fascinating set of explanations provided by the Tosafot (2b), s.v. *yesh ba*. Although a *sukka* higher than twenty *amot* is *pasul* because the *sekhakh* does not provide shade, the *gemara* allows that a *sukka* more than 4x4 *amot* area may be as high as twenty *amot* since, inevitably, the *sekhakh* will provide shade. Tosafot question this

claim since, at some point, excess height will once again prevent the *sekhakh* from producing any shade. Tosafot answers this question in two manners. First, they claim that as the height increases, the ratio of height to surface area must be maintained proportionate to the twenty *amot* height to 4x4 *amot* area ratio. For example, if the surface area were to double to 8x8, the height could rise to 40 *amot*. This solution allows a proportion that will always enable the *sekhakh* to provide shade. Tosafot offer a second and more controversial approach as well. Although the height may rise, as long as the area is AT LEAST 4x4, the *sekhakh* will provide a modicum of shade, even though the primary shade is provided by the walls, and is therefore valid.

We may certainly question the physics of Tosafot, but that aside, logically why should a trace of shade provided by *sekhakh* be sufficient to validate the ENTIRE *sukka*?

Perhaps Tosafot's two replies debate our very issue - is the mitzva defined as sitting under shade or as sitting under shade-producing *sekhakh*? Tosafot's first answer views the mitzva as the former, and therefore requires that the twenty *amot* high/4x4 *amot* surface area ratio be maintained so that the ENTIRE shade will always be provided by the *sekhakh*. In their second reply, Tosafot view the mitzva as sitting under *sekhakh*, not under *sekhakh*'s shade. Shade capability is necessary to qualify the *sekhakh* as halakhic potent; if the *sekhakh* is capable of providing even minor shade, it can be defined as *sekhakh*, and sitting under that *sekhakh* constitutes fulfillment of the mitzva. Tosafot's second answer is more willing to suffice even with minimal shade since the shade merely qualifies the *sekhakh* but is not ITSELF the object of the mitzva.

The validation of *sekhakh* with minimal shade production emerges from another interesting debate amongst the *Rishonim*. The Ritva questions the disqualification of a *sukka* higher than twenty *amot*, as even in this scenario the *sekhakh* provides shade at noontime, when the sun is directly overhead. Many *Rishonim* posed this question and offered a variety of creative solutions. The Ran, for example, claimed that although the *sekhakh* DOES shade the *sukka* at

noon, because the *sekhakh* is so high, the shade only deters light but does not fully shelter from heat. *Sekhakh* must provide shelter from light as well as heat to be considered halakhic *sekhakh*.

Although many *Rishonim* wrestle with the concern of the Ritva, logically it does not seem to be so difficult. There may be ONE point of the day during which the *sekhakh* of a very tall *sukka* provides shade, but in a *sukka* higher than twenty *amot*, MOST shade-hours are provided by the walls and not the *sekhakh*. At most, it would seem, the *sukka* should be valid only during noontime, and perhaps not even then, since we may define the *sukka* status based on the shade production during most of the daytime hours. Why should shade production during a small fraction of daytime be sufficient to validate this *sukka*? Why do the *Rishonim* feel compelled to resolve this issue?

Perhaps their logic reiterates the logic suggested by Tosafot in their second reply. If the mitzva consists of sitting under *sekhakh*, and shade production is necessary merely to qualify the *sekhakh* as such, minimal and limited shade production suffices. Tosafot suggests a very extreme stance in this regard - even a towering *sukka* larger than 4x4 but not proportional is valid since there is a trace of shade provision by the *sekhakh*. Perhaps the Ritva and the other *Rishonim* reject Tosafot's extremism but embrace the logic; as long as the *sekhakh* provides primary shade – even during a limited time frame - we may deem the *sekhakh* as *sekhakh* and validate sitting under it, even when the *sekhakh* no longer provides ANY shade. The Ritva and others were forced to explain why this noontime provision of shade is not sufficient to validate the *sekhakh* because according to their logic, the *sukka* should be valid. If, however, we view the mitzva as sitting under the shade of *sekhakh*, the question appears less compelling.

Ultimately, the question of whether we are required to sit under actual shade or merely to sit under *sekhakh* capable of providing shade is an essential question that threads much of the discussion of the first two *perakim* of *Sukka*. Rabbi Zeira's contention that a twenty *amot*-high *sukka* subverts the *sekhakh* and the gemara's ensuing debate underscores the centrality of this question.