

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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Lecture 14: *Dofan Akuma*
and Stretching Walls of a *Sukka* to Connect to Distant *Sekhakh*

The *mishna* in *Sukka* (17a) 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 *dofan 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 *dofan 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 *dofan 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 *dofan 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*, *dofan 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 *dofan akuma* converts a rectangular *sukka* into a trapezoid.

There are several differences which emerge from the opposing models of *dofan 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 of *dofan 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 *dofan 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 *dofan 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 Rebbi Yoshia accept the notion of *dofan 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 *dofan akuma* principle transforms the rectangle into a trapezoid, even Rabbi Yoshia could accept it. According to the second model, *dofan 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 *dofan 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 *dofan 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 *dofan akuma* can help in this situation. In its typical employment, *dofan 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 *dofan akuma* to move a wall toward a stage, thereby reducing its height and validating it for a *sukka*? Can *dofan 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 *dofan akuma* can render halakhic walls as well.

Perhaps the deliberation surrounds the differing models of *dofan 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 *dofan 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 *dofan akuma* does not build right angle walls but rather trapezoid *sukkas*, it may indeed solve the problem of walls that are too high. If *dofan 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 *dofan akuma* in this situation may be based on the *gemara's* uncertainty as to the mechanism of *dofan akuma*.

This reading yields an interesting scenario. It is possible that different SITUATIONS involve different versions of *dofan 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. *Dofan Akuma* may be a halakhic principle which possesses multiple variations, some of which apply in one instance and others that apply in others contexts. Asserting this variation may lead to different limitations upon *dofan akuma* in different applications.

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