



## Dofen Akuma

The *Mishnah* (1:10) lists three cases that related to *dofen akuma*. This rule allows for up to four *amot* of invalid *schach* adjacent to a wall. The wall is consider curved and in direct contact with the valid *schach*. 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 schach* as part of the wall and that the wall is bending at the top, meeting the *kosher schach*. The second understanding, which *Rashi* rejects, is that we view the wall itself as if it is bending underneath the invalid *schach* and touching the valid *schach*. *Rashi* dislikes this second understanding because the *Mishnah* rules that if there is only three *tefachim* of air space between the walls and *schach* 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 *schach*.

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 *schach*. This is true even the platform is adjacent to only two of the walls, provided that it is 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 *schach* 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 schach* 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 Soleleitchik* (*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 *schach* 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 schach* as there is *pasul schach* that prevents it from doing so. The issue however is resolved if the *pasul schach* 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 schach* 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 *schach* 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 schach* as if it is part of the wall. He understands that this alone is insufficient as the *kosher schach* 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 schach*. Both steps however are required.

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## Revision Questions

סוכה א' א': ב' ג'

- What are the maximum and minimum heights of a *sukkah*? (א': א')
- What are the other two structural specifications of a *sukkah*? (א': א')
- What is a *sukkah yeshana*? (א': א')
- Can one make a *sukkah* under a tree? (א': ב')
- Can one make a two-storey *sukkah*? (א': ב')
- Can one spread a shade-cloth over the *schach*? (א': ג')
- How can one fix a *sukkah* that had a vine growing amongst the *schach*? (א': ד')
- What are the two criteria of *kosher schach*? (א': ד')
- Can one use bundles of straw as *schach*? (א': ה')
- Explain the debate regarding whether one can use planks of wood for *schach*? (א': ו')
- What does one need to do in order to fix a *sukkah* that has a roof made of planks of woods (which are not plastered)? (Include both opinions) (א': ז')
- When would a *sukkah* be *kosher* if the roof was covered with metal rods? (א': ח')
- Can one make a *sukkah* by carving out a room from a stack of hay? (א': ט')
- If a *sukkah* was made of hanging walls, how close to the ground must they be? (א': ט')
- What are the dimensions of the walls such that they are not required to be tall enough to reach the *schach*? (א': ט')
- What is the maximum gap (of empty space) allowed between the *schach* and the walls? (א': ט')
- What is the maximum space (of roofing) allowed between the *schach* and the walls? (א': י')
- What two cases are brought in the *Mishnah* as examples for the *halacha* referred to in the previous question? (א': י')
- Is a *sukkah* built like a tent (A) acceptable? (א': י"א)
- If someone slept under their bed in the *sukkah* have they fulfilled the obligation of sleeping in the *sukkah*? (Explain both opinions.) (א': ב')
- Explain the debate regarding a *sukkah* whose wall is supported by a bed. (א': ב')
- What is a *sukkah meduvlelet* and is it *kosher*? (א': ב')
- Are the following *sukkot* acceptable: (א': ג')
  - A *sukkah* constructed on a boat?
  - A *sukkah* constructed in a tree?
- Which of the two *sukkot* described in the previous question can one enter on *Yom Tov* and why? (א': ג')

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 <sup>th</sup> January א' טבת	9 <sup>th</sup> January ב' טבת	10 <sup>th</sup> January ג' טבת	11 <sup>th</sup> January ד' טבת	12 <sup>th</sup> January ה' טבת	13 <sup>th</sup> January ו' טבת	14 <sup>th</sup> January ז' טבת
Sukkah 2:4-5	Sukkah 2:6-7	Sukkah 2:8-9	Sukkah 3:1-2	Sukkah 3:3-4	Sukkah 3:5-6	Sukkah 3:7-8

