

HALOCHOSCOPE

This week's (and next week's) question:

May a net be used to support *sechach* or over the top of the *sechach* to keep it from blowing away? Is there a difference between a mesh net and a rope net with large spaces?

The issues:

- A) *Kosher Sechach*, the requirements; What is invalid for *sechach*?
- B) *Maamid* and *maamid demaamid*, the support system of *sechach*
- C) The status of netting, relevant to these issues

A) Requirements for Kosher Sechach

The Torah says *sukos* is observed when we 'finish gathering of [the produce of] the granary and the wine press'. In addition to its simple meaning, the words 'of the granary ...' imply that 'some of it' has to do with the observance of the holiday. This alludes to the material used for *sechach*. We should cover our *sukah* with the refuse of the granary and wine press, the straw and twigs. This precludes using anything that does not grow on the ground. It also excludes growing things that have not been detached, since they can not be the refuse after threshing. [Some derive this disqualification from other sources.] Thirdly, it excludes actual produce or items made from what grew, such as fruit or wooden artifacts. These cannot be called the refuse after production. The last category is classed collectively as *davar hamekabel tum'ah*, susceptible to being ritually defiled by contamination. Both foodstuffs and utensils fit this categorization. Earth, unbaked earthen utensils, baked utensils that are flat and have no rim, such as tiles, stones or stone utensils, are not *mekabel tum'ah*, but do not grow from the ground. Plastics and nylons made into utensils, are considered unbaked earthen items.

In addition, the *sukah* is invalid in the absence of kosher *sechach*. Something that does not fall into the three invalidated categories, but is not kosher *sechach*, such as the open air, does not qualify as *sechach*. Air spaces can invalidate the entire *sukah*. Say there are only three walls, and a gap of three *tefachim* (ten to twelve inches, depending on the opinion) runs the length of the *sukah* from the middle wall to the opening. The empty space has no valid *sechach*. It divides the *sukah* in two. Each has only two walls. Little air spaces have no effect. The *sechach* on either side of them is considered *lavud*, contiguous to fill the space. For a space of three *tefachim*, *lavud* does not apply.

A *sukah* is a temporary dwelling. It may not have a permanent roof protecting it. Therefore, it may not be built inside a house, unless the roof is removed. Boards for building permanent dwellings can be disqualified Rabbinnically, if there is a chance of confusing them with a permanent dwelling. This could be included in *gezairas tikra*, the decree against using roof beams. By the same reasoning, any waterproof covering, such as plastic or tiling, poses a problem. *Sukah*, literally, means a booth for shade. Therefore, the *sechach* must provide shade from the sun. If the spaces allow more sunlight to pene-

trate than shade provided, the *sukah* is invalid.

Scripturally, a wooden utensil must be a receptacle or container to be *mekabel tum'ah*. Rabbinically, a flat wooden utensil with a surface that can be used is also susceptible to *tum'ah*. A narrow flat wooden utensil, like a spit, is not *mekabel tum'ah* at all. Using a ladder as *sechach* raises some debate. The commentaries further debate the type of ladder being debated by the poskim. Is it *mekabel tum'ah* Rabbinically? Is it the holes where the slats attach that are 'receptacles'? Is it solid (as is often the case with ladders discussed by the Talmud) or are there spaces between slats? Is there another reason not to use it, such as *gezairas tikra*? To be safe, no ladder should be used as *sechach*, nor as a support or to hold the *sechach* down. This will affect our case.

A utensil must have a use. One could designate a piece of raw material for use as a utensil, such as a board for chopping. To make it into raw material again, one would need to do something physical, such as cutting some off for another use. Metal does not grow. A metal utensil is *mekabel tum'ah*, even if it is flat. Thus a nail could be *mekabel tum'ah*. However, attached buildings are not *mekabel tum'ah* in the usual sense. [They can be *tamei*, as in the case of a *nega*, red or green patches on a wall, or a sealed grave. But they can never be considered utensils.] Therefore, many poskim maintain that nails and construction items manufactured exclusively for attached structures are not *mekabel tum'ah* even if they are not attached. While nails are not used as *sechach*, they might be used to support or hold down the *sechach*. This will be discussed later. [See Mishpatim 23:16, Ki Sisa 34:22. Sukah 2a 11a-16a 19b-21b, Poskim. Tur Sh Ar OC 629, commentaries.]

B) Maamid and Maamid Demaamid

The Talmud discusses the use of a bed [as a *sukah* and] to support the *sechach*. In one view, if it can not stand without the bed, it is invalid. The reason for the stringent view is debated. In one view, it is only because he maintains that a *sukah* must be fixed in place. A bed can be moved about. In the other view, it is because the bed is *mekabel tum'ah*, and it is supporting the *sechach*. Since the *sechach* can not stay up without the *maamid*, it is like using the *maamid* for the *sechach*.

The opinion that a *sukah* must be fixed is a minority view that we do not follow. On the contrary, we require a temporary *sukah*. This would indicate that we could not follow this view. A number of poskim maintain that the reference to a *sukah* fixed in its place does not mean that it must be permanent. It means that this *sukah* is exceptionally shaky or that it is a way of saying that it is too cramped. Some go further, maintaining that the stringent view is simply explaining the case, telling us when it is valid and when it is invalid. Others consider it a debate, with differing poskim ruling like the different views.

Accordingly, the chance that we would rule that *maamid* that is *mekabel tum'ah* is invalid is small. We would have to consider it a debate, and that the reason for the stringent view is that it is *mekabel tum'ah*, and that we rule like this view. In practice, the poskim debate how to rule, with some permitting, some invalidating, and some who forbid using it ideally, but that if it was used, permit sitting in the *sukah*.

Some say that the stringent view on *maamid* believes it to be Scripturally invalid. Since the *sechach* itself can not stand without it, it is like using the material for the actual *sechach*. Others consider it a Rabbinical decree to prevent using the same material for the *sechach* itself. From the ruling that if was already made one may sit in there, presumably

with the *brocha laishaiv basukah*, it is implied that the consensus is to consider it Rabbinical. In Scriptural cases we do not usually find rulings that change from *lechatchilah*, the ideal, to *bedieved*, one it is already done.

There is further discussion regarding *maamid demaamid*, the support of the support. If *maamid* is an issue because one could confuse it with the actual *sechach*, could one do the same with *maamid demaamid*? If *maamid* is considered the same as the actual *sechach*, one would think that the same reasoning should apply to *maamid demaamid*. [Most poskim rule leniently in this regard.] However, *maase karka*, the items that are serving the function of the ground, do not qualify as *maamid* at all. Thus, there is never an issue with using trees or stone walls, that would certainly not qualify as *sechach*.

[Some point out that a metal framework could be considered either *maase karka* or *maamid*. To avoid the issue, one could lay wood across the top of the frame. However, if the wood just lies on the metal poles length-wise, it really does no more than 'coat' the metal. One would really need to lay it diagonally across. Then the poles hold up the wood, and the wood holds up the *sechach*.]

Holding the *sechach* down to stop it from blowing away in the wind is also *maamid*. If the *sechach* could blow away during *sukos*, it would be invalid. However, if the *sechach* is heavy enough to stay down in normal winds, but one wishes to hold it down against unusual winds, this is not considered *maamid*. [See Sukah 21b, Poskim. Tur Sh Ar OC 629:7-8 630:13, commentaries. Chazon Ish OC 143.]

C) Netting in Halachic terms

In our case, the netting is used either to hold the *sechach* up, or down! Some cloth grows on the ground, but is not kosher for *sechach* because it has become a utensil, such as clothing, towels or the like. Cloth can also be *mekabel tum'ah*. The main types of *tum'ah* that could apply are the tent covering a corpse, *negaim*, patches, *midras*, items usable to bear the weight of certain types of *tamei* people, and secondary *tum'ah* from other sources. Tents for *tum'ah* purposes, can be made of animal products or linen, but no other plant products. Only wool and linen (and leather) can get *tumas negaim*. *Midras* only applies to a utensil. General secondary *tum'ah* applies to any cloth that is produced from dry land, such as wool, or other hair of animals, silk, and cotton, linen, hemp (cannabis), and felt. Ropes and nets are made from sack type material, including hemp, jute, camel hair and goat hair. Generally, to qualify as a *mekabel tum'ah* there must be a weave or at least an advanced type of spin. Sometimes, a braid also counts.

The standards for cloth to be considered a utensil do not require a use. Generally a woven piece of cloth three finger widths square is considered a utensil. It need not have been designated for use. Even thread can sometimes be *mekabel tum'ah*. String could fall into this category. Felt is not woven, but can be *mekabel tum'ah*. As long as cloth is viable for any use by humans in its present state for use, it is considered a utensil. A shoelace is not woven, but is a utensil. A few braided goat hairs are a charm. These materials could be braided for use as a strap on an animal. They are then used by the owner of the animal, and they are *mekabel tum'ah*.

Nets are discussed in a few situations. They could be used to trap pest animals. They are not serving a human function, but are preventing trouble. They could be used to trap animals for food. These seem to serve a human function. They are not cloth, because they

have large gaps. They might not be made of properly spun threads, so that they could not be considered ropes either. In some cases, there are small pieces of woven cloth in the middle, for bait. This would make the entire net a utensil and a receptacle. Certain nets are used as ornamental clothing, such as hair nets. Some nets are closely woven enough to hold items, maybe as a sieve. A closely woven net would not work to support or hold down the *sechach*. However, in our case, the net to be used is more like the rope ladder type. The gaps are wide and the thread is not necessarily considered spun properly. If the net was made to hold people's weight, it could qualify as *midras*. In addition, if ladders are a problem as a utensil, the netting might be the same. However, if the netting was not meant for any of these uses, but as a decoration in the garden, for a trucking use, or for general construction site uses, it does not appear to qualify as *mekabel tum'ah*.

While they are not invalidated *sechach* as utensils, they do not qualify as kosher *sechach*. Even if they are made from plants, such as cotton, linen or hemp, they have changed substantially from their natural state. For three reasons raw textiles can be invalid. Combed, unspun linen or its lint is usable to stuff pillows. It is also ready to be spun. Thread, string or even unspun cotton no longer resembles plant material. The same applies to paper products that are made of wood. These are not kosher for *sechach*. However, the rule of *maamid* with a *mekabel tum'ah* could not apply to them. Therefore, they could be used to support the *sechach*. One must take care to ensure that the kosher *sechach* does not need the additional shade of the supporting material to make the entire area more shady than sunny. [See Sukah same. Shabbos 17b 63b-64a, Eiduyos 3:4 Kailim 16:7-8 21:3 23:5 24:16 28:9 29:, Poskim. Tur Sh Ar OC 629:4-6, 8, commentaries. Chazon Ish Kailim 23:28 30:25-28 33:7 12.]

On Yomtov and the Parsa ... for in sukos I made dwell the Children of Israel when I took them out of Egypt ... [Emor 23:43] One view says this refers to the clouds of glory protecting the Jewish people. Clearly, they still lived in tents inside the clouds. The idea is to remember that ultimately Hashem protects. Thus, we go outside and leave ourselves to His protection. Nonetheless, we do not sleep in the open air, but in a *sukah*. We also learn from this (according to one view) the disqualifications for *sechach*. Why not learn the same disqualifications for the walls? The idea seems to be to remember Hashem and His protection 'above'. (*And the spirit of Hashem hovered over the face of the water [Beraishis 1:2]*). *He covers over [Binyamin] all the day ... [Vezos Haberacha 33:12]* This refers to the second temple, when the Divine presence was only above, but not inside. [Ramban] However, when Moshiach comes we will merit sitting in the *sukah* of the *liyasan* skin. [This, by the way, is not *mekabel tum'ah*. It is from a sea creature.] This could refer to the walls as well as the roof. The *Shechina* will be all around.

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Sarah *shetichyeh*.  

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