

The Rabbi Who Makes Succah Calls



We all know that the halachos of the *arba'ah minim* are extremely intricate. A seemingly minor dot on an esrog can invalidate it, and it doesn't take much to render a lulav invalid either. Many Jews do not rely on their own eyes and knowledge, and prefer to take their *arba'ah minim* to a rav for approval.

Building a succah, on the other hand, seems relatively simple. Put up some walls made of any material, add some *s'chach* to top it off, and voila — the succah is ready.

It turns out that it is not so simple after all. Kolmus interviewed Rabbi Yirmiyahu Kaganoff, a "rabbi who makes succah calls," and brought back some surprising answers to some simple questions.



Does any use of metal in a succah invalidate it?

Menachem Lichtman

When *s'chach* mats made of split bamboo shoots first came out, they were considered the greatest innovation since sliced whole-grain bread. No longer would we have to devote a full day to cutting and schlepping fresh greenery to top our succahs, or tie up bundle after bundle of loose bamboo shoots after Succos. In recent years, rumors have spread that *s'chach* mats can become infested with insects, and should therefore be fumigated before Succos.

To investigate this matter, I met with Rabbi Yirmiyahu Kaganoff of Neve Yaakov, one of the first *rabbanim* to give a *hechsher* to the *s'chach* mats. He greeted me with what I soon learned was his characteristic good cheer, and before I could get answers to my questions, he taught me some surprising lessons about succah building.

A Simple Little Succah? Far From It!

Rav Kaganoff, a *musmach* of Ner Israel Rabbinical College in Baltimore, has served with distinction as *rav* in three extremely divergent communities. His first post in the rabbinate was the Young Israel of Greater Buffalo. Then he served as a *rav* in Baltimore, and he now resides in Neve Yaakov, the northeast corner of Jerusalem, where he functions as a *rav*.

Rav Kaganoff, when I mentioned that I wanted to discuss the problem of bug infestation in *s'chach*, you expressed surprise that I wasn't concerned with many other halachic issues that come up with regard to building a succah. What issues were you referring to?

I think that many people take it for granted that they know how to build a succah that is halachically valid, when in truth, my experience has been that many succahs are not valid. In fact, I have told *rabbanim* that if they have not taught their congregants how to

build a succah properly, they can assume that at least several succahs in their communities will not be valid — either because it is not built in a valid location, or because the walls or *s'chach* are not kosher.

There are two ways a *rav* can teach his congregants. Some do so by teaching a few halachos of succah each day in the weeks leading up to Succos. I included another method. When we were growing up, doctors often made house calls. I would offer to come make a “succah call,” to determine whether each congregant's succah was kosher. If it was not, I would instruct him on how to fix it. With time, my shul members became very sensitized to the main issues.

What were the most common problems you found?

Let's go back to the basics of succah construction. A succah consists of two basic components: its walls and its roof, the *s'chach*. Each of the two has very specific halachic requirements. The *s'chach* must be made of vegetative material that once grew from the earth, but is no longer connected to the earth; is not food; and is not *mekabel tumah* — that is, susceptible to being contaminated by ritual impurity by a person or object that is *tamei*.

There is a further stipulation: although most materials that grow from the earth are not *mekabel tumah*, once they are fashioned into vessels or utensils (*keilim*), they can become *tamei*, and are therefore invalidated for use as *s'chach*.

The rules defining what is considered a utensil and what is not are fairly complicated. Much halachic literature has been devoted to determining whether items such as arrow shafts, wooden ladders, thread, and straw or reed mats may be used as *s'chach*. The *poskim* deliberate as to whether these items, which are made of rudimentary components that would be valid as *s'chach*, are nevertheless disqualified because they are processed enough to be considered “utensils.”

There are also discussions as to whether certain common household items can be used for *s'chach*. For example, in 1941 a *rav* asked Rav Moshe Feinstein whether one can use venetian blinds, which at that time were made of wood slats connected together by cloth, as *s'chach*. The person who posed the question wanted to permit their use, since both the slats and the cloth are made from materials that grow from the ground. Rav Moshe demonstrated from Talmudic sources that although the wood is basically unprocessed, once it has been attached to the cloth, it is halachically considered a utensil, and may not be used as *s'chach*.¹

There are also categories of items that the Torah permitted as kosher *s'chach*, but which were later prohibited by Chazal for various reasons. For example, wide wooden planks

are not utensils, and meet all the other requirements for *s'chach*. But we cannot use them as *s'chach* because Chazal banned them, out of concern that someone might mistakenly assume that his regular wood roof could be used as a cover for his succah.² Although today it is unusual to make a roof out of wood boards, in early generations these were standard roofing materials, and once they have been banned by Chazal, they remain invalid.

This halachah was the basis for a controversy that arose recently as to whether wooden slats or laths could be used for *s'chach*. I recall seeing wooden slats used as *s'chach* by respected Torah scholars, whereas other equally knowledgeable Torah scholars took strong exception to using them as *s'chach*, because slats are used in construction.³

As you can see, the halachos can be very confusing, and while making my succah calls, it was quite common to find people using items that cannot be used as *s'chach*.

Was the opposite ever true? Did people act too stringently because of their lack of knowledge?

One common misconception that has led to unnecessary heartache or work is the assumption that there is a consensus that no metal can be used in the structure supporting the *s'chach*.

We mentioned earlier that we cannot use something that is *mekabel tumah* as *s'chach*. There is a dispute in the Gemara (*Succah* 21b) as to whether the same halachah applies to the “*maamid*,” the structure that supports the *s'chach*. The majority opinion in the Gemara maintains that the halachah applies only to the *s'chach*. According to that opinion, even having your *s'chach* rest directly on walls made of steel would be perfectly fine.⁴

A minority opinion contends that the *maamid* must also be material that can be used for *s'chach*, which would exclude metal and all other materials that are *mekabel tumah* from use as *s'chach*.

Halachah commonly follows the majority opinion, which would mean that as long as the *s'chach* itself is kosher, we need not be concerned with what supports the *s'chach*. Indeed, most early authorities conclude that there is no halachic problem with supporting the *s'chach* with material that would be invalid as *s'chach*.⁵ Thus, according to them, one could construct a metal framework, rest the *s'chach* on it, and the succah is perfectly kosher. But some early authorities take the more stringent approach and conclude that one may not support the *s'chach* with material that is not itself kosher for *s'chach*.⁶

The conclusion of the later halachic authorities is that although we follow the majority opinion and rule that one may use a

succah in which the *s'chach* is supported by metal or other materials that are *mekabel tumah*, one should not construct a succah this way.⁷

Now certainly, when building your own succah, you should be careful to avoid the problem of *maamid*.⁸ But knowing that a succah in which the *s'chach* does rest on a *mekabel tumah* is kosher can save much heartache and worry. For example, if you are invited to someone's house for a meal during Succos, and you discover that their *s'chach* rests on something that is *mekabel tumah*, or if you visit a recreational area on Chol HaMoed, and find that the succah there was erected with the *s'chach* held up by a metal frame, you may enjoy your meal there, even though those who assembled that succah should have avoided the problem of *maamid* when building the succah.

In addition, by definition, the prohibition of using a *maamid* that is *mekabel tumah* only applies when the metal or other nonkosher *s'chach* is holding up the *s'chach*. If the metal is merely attached to the *s'chach*, but not supporting it in any way, the succah is kosher.

An interesting example that comes to mind was an actual *sheilah* that someone called to ask. They had purchased a used succah and discovered that the previous owner, who stored the succah in a communal storage area, had labeled the entire succah, including the *s'chach*, with metal tags. They thought that they would be unable to use the succah, or at least the *s'chach*, without removing the metal tags — not an easy procedure. I told them that their succah was kosher *l'chatchilah*, according to all opinions, because the tags did not support the *s'chach*.

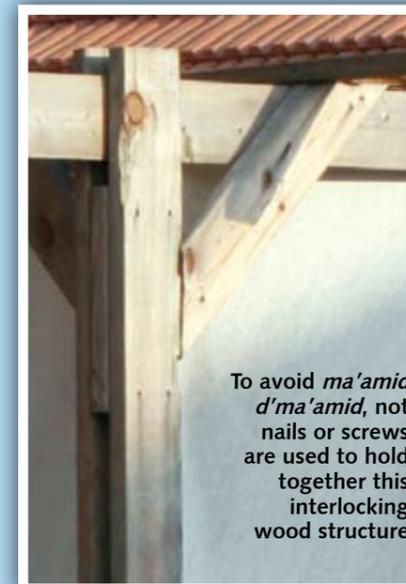
A less-understood case in which the metal does not invalidate the *s'chach* is where the metal is used to keep the *s'chach* in place, not to support it. The Chazon Ish⁹ ruled that this does not qualify as *maamid* and is kosher *l'chatchilah* without any qualms. For example, he explicitly permits nailing *s'chach* down vertically into the wall so that it does not slip out of place. Since the *s'chach* is resting on the walls, this does not invalidate the succah at all — although it may raise some eyebrows.

Before the bamboo mats came out with a *hechsher*, there were other *s'chach* mats made of slats. What was wrong with those mats, and how did the process of making *s'chach* mats evolve?

The original *s'chach* mats, which are still being marketed, were made of thin wooden slats held together with string.

When these mats reached the market in Israel, there was debate among the halachic authorities whether they could be used. Some authorities were concerned that tying

In 1941 a rav asked Rav Moshe Feinstein whether one can use venetian blinds, which at that time were made of wood slats connected together by cloth, as s'chach



To avoid *ma'amid d'ma'amid*, not nails or screws are used to hold together this interlocking wood structure



Are these slats valid for use as *s'chach*?

wood pieces together might make the entire piece into one big board and invalidate its use as *s'chach*, just as the Sages prohibited use of wide boards lest someone think that the regular roof of his house is valid as *s'chach*. The majority of authorities were not concerned about this problem, but were very concerned about mats that used nylon strings to hold them together, because nylon is not kosher *s'chach*, and therefore would constitute a problem of *maamid*.

In addition, I mentioned earlier that there are items that meet the Torah's requirements as kosher *s'chach*, but were later prohibited by the Sages. One of those materials is combed flax, which, despite meeting all the Torah requirements for *s'chach* — it grows from the ground and is now disconnected, is not edible, and has not been fashioned into a utensil — is nevertheless ruled out for use by the Sages.¹⁰ The early authorities debate why the Sages banned it. Some contend that it is because combed flax no longer looks like something that grew from the ground,¹¹ whereas others maintain that it is because it is close to being spun flax,¹² which is invalid on a Torah level.¹³

This dispute has ramifications on the *kashrus* of *s'chach* mats held together by cotton or hemp thread. If combed flax is invalid because it no longer appears as it did when it grew from the ground, then cotton or hemp thread or string would similarly be invalid. But if unspun flax was prohibited because it is close to being like spun flax, which is invalid on a Torah level, then there is no reason to invalidate the use of cotton, hemp, or similar thread as *s'chach*. While it would be highly impractical to use thread as *s'chach*, it was used to tie together the slats, thereby posing a problem of *maamid* according to those who rule that combed flax is invalid because it no longer appears to be something that grew from the ground.

When the mats strung together with cotton or hemp hit the market, some *poskim* argued that they should not be used because the cotton thread might constitute a *maamid*.¹⁴ They didn't go as far as to rule that the mats could not be used, but they didn't want to recommend that people use it. Others ruled that the *s'chach* mats tied together with cotton thread were perfectly kosher.¹⁵

After a number of years, a fellow who wanted to manufacture and sell prefab succahs, complete with the *s'chach*, approached me and asked me for a *hechsher* on his *s'chach*. He showed me his planned design for the *s'chach*, and I suggested improvements on the design so that there would be no halachic issues involved. When he implemented my changes, I wrote him a letter of certification for the mats. At the time, the idea of a *hechsher* on *s'chach* mats was very original, and I received inquiries from many *rabbanim*.

What design changes did you suggest?

His design called for large mats made from split pieces of bamboo tied together with string. Since the mats would be made in China, where bamboo mats are used as mattresses, these mats might be invalid for use, even if they were intended for export.¹⁶ To avoid this problem, I told him to have the factory weave a piece of bamboo too thick to lie on comfortably every six inches. Since these mats could never be used for sleeping, even by the Chinese, their status as kosher *s'chach* mats was uncompromised.

In addition, his design called for mats tied together with nylon thread, which could have been a problem of *maamid*. Even cotton was not an ideal solution, since some authorities consider it a problem akin to the problem with combed flax. Ultimately, I did permit him to use cotton thread, because I felt that since some authorities consider these strings to be valid *s'chach*, the ruling of the late authorities not to use a *mekabel tumah* as a *maamid* should only apply when the supporting material is certainly invalid.¹⁷

Many of today's *s'chach* mats are tied together with a very rough natural twine, which means that they are kosher according to all opinions.

Did you make any design changes to his prefab succahs before giving a *hechsher*?

Actually, although his succahs were far superior in *kashrus* quality to any cloth-walled succahs I had seen up until that time, I refrained from offering him a *hechsher* on them.

Why should succah walls require a *hechsher*?

Let me first present the basic laws of succah walls, and then I will explain what a *hechsher* on a prefab succah should mean.

Many people have learned the *remez* that the word succah has three letters: the *samech* with four sides; the *kof* with three; and the *hey* with two and a small *yud* opposite it. This alludes to the fact that a succah may be kosher with four, three, or even two walls — as long as there is a bit of a third wall on another side.

Unfortunately, the halachah is not as clear-cut as this *vort* makes it seem. Although there are situations in which a succah is kosher even though its walls do not run the full length or width of the succah, the laws pertaining to such a succah are extremely complicated, and one should not build such a succah without conferring with a halachic authority.

Because a partial wall often does not qualify as a proper succah wall, the Rema states that it is now customary *not* to build a

succah with only partially constructed walls, but to build it with three walls that run the full length or width of the succah.¹⁸

Nevertheless, there are situations when this is not practical. I find this situation most common in Eretz Yisrael or in some parts of New York City, where people must often assemble their succah in a cramped courtyard or on a porch that has several entrances, or that is shaped in a way that makes it impossible to construct three full walls.

I strongly recommend that someone in this situation consult with a competent halachic authority before building the succah to ascertain that their plans indeed meet the halachic requirements, and then have the *rav* check the succah after it is constructed, with enough time before Yom Tov to make any necessary changes. It is a shame to invest the time and money for a succah and then not fulfill the mitzvah.

Furthermore, the halachah is that the walls of the succah must be fairly close to the *s'chach*. The horizontal gap between the *s'chach* and the three walls must be less than three *tefachim* (24 centimeters or 9.4 inches), or the succah is not kosher.¹⁹ Every year I see succahs that are not kosher because of this problem. Sometimes people build a framework for their succah, including walls and *s'chach*, but do not realize that the *s'chach* must be near the walls. I have also often seen fancy pergola-like frames built on patios, upon which the *s'chach* is placed, but the *s'chach* is too distant from the patio walls for the succah to be kosher.

Getting back to the fabric succahs, another common problem is with succahs whose walls are too flimsy.

The Gemara teaches that "any partition that cannot withstand a typical wind does not qualify as a partition."²⁰ The Gemara then questions this principle, citing the Mishnah's ruling that a succah may be constructed using trees as its walls, even though trees move in the wind. The Gemara answers that the Mishnah refers to substantive, thick trees that will not move in the wind. The Gemara then asks that even if the tree is strong, the canopy of the tree will certainly be blown by the wind. To this the Gemara responds that the Mishnah must be discussing a case where the canopy was reinforced so that the wind would not move it.

There are two ways of explaining this Gemara.

Some understand that the Gemara invalidates a succah only if the wind blows down the walls, or blows them apart so that gaps develop, but that a wall that sways back and forth in the wind is valid.²¹ According to this approach, a fabric succah tied at the bottom is kosher even though the walls will sway considerably in the wind.

Most authorities argue that the Gemara means that if a typical wind causes notice-



Fabric Succah: Walls that billow too much in the wind invalidate the succah

able movement to the wall, it is invalid as a succah wall. The wording of Rambam and *Shulchan Aruch* seems to bear out this approach:

"Someone who makes his succah among the trees, using them as walls — if they were strong, or he tied them until the point that a typical wind would not constantly move them, and he filled in between the branches with straw tied in a way that the wind would not sway them, the succah is kosher."²²



If this gap is 24 centimeters, the succah is invalid



S'chach, especially when exposed to moisture, can be a favorite haunt for insects, which can then fall into one's food

Since most prefab succos are made of cloth or plastic walls that blow in the wind, they pose a halachic problem according to the latter opinion. There is some discussion among authorities as to how much swaying invalidates a succah, so it is possible that if one makes the walls very taut, the succah is valid. The manufacturer who spoke to me indeed made his succah of very thick cloth which, when assembled according to his instructions, was very taut.

I nevertheless refrained from giving him a *hechsher* because some early authorities express concern that even when pulled taut, cloth walls will eventually loosen and sway in the wind.²³ *Shulchan Aruch* (quoted above) cites this opinion. Allow me to quote the conclusion there:

“Therefore it is improper to make all the walls from linen curtains without sticks, even if one tied them well, because sometimes the ties loosen without anyone realizing it, and now the wall can no longer withstand a typical wind. Someone who wants to use sheets [for his succah walls] should weave sticks into his walls within each three *tefachim*.”²⁴

It seems to me, therefore, that one should not build a succah with cloth walls unless he reinforces them with something that the wind cannot blow. I presume that the *rav* who did provide him with a *hechsher* on the succah walls felt that one can draw a distinction between thick, strong cloth and the “curtains” and “sheets” mentioned by the *Shulchan Aruch*.

Nowadays, fabric succahs that are more halachically acceptable are available. These succahs come with straps or cords that create halachic walls. This works through the principle of *lavud*, which means that a gap of less than three *tefachim* (24 centimeters or 9.4 inches) in a wall is treated as if it is actually closed. According to this principle, one can technically built succah walls with sticks placed either horizontally or vertically every 24 centimeters along its sides. The straps or cords, which don’t blow in the wind, achieve this function.²⁵

Lately, there has been much talk about the problem of insect infestation in *s’chach* mats — especially when they are stored in a moist environment — and some have taken to fumigating their mats. Is this a true concern, and what measures should we take to rectify this problem?

Some contemporary authorities feel that people should check their *s’chach* carefully for insects, whether their *s’chach* is brand-new or stored from last year.²⁶ Others feel that since most people spread

clean white tablecloths on their tables during Succos, they would readily notice if insects have fallen from the *s’chach* onto the white cloth. If indeed they do see insects that have fallen, they would have cause for concern. Otherwise, they can rely on the halachic principle that if one discovered a source of halachic concern in one place, he need not be concerned that it moved to another place.²⁷

Since this matter is not very clear, I would say that each person should discuss it with his *posek*.

Let’s conclude with a practical question. My aunt always takes our family out to eat when she visits, and she will be in town for Succos. She let us know that her favorite restaurant has a succah. Can we rely on their succah?

Even when the restaurant has a good *hechsher*, the succah assembled is often of the cloth variety invalidated by many authorities. I have seen restaurants with excellent *hechsherim* sporting succahs that were not kosher at all — for example, the cloth walls were not secured properly and billowed upward in the wind, which is not kosher even according to the lenient position I mentioned earlier. If you want to accept your aunt’s wonderful invitation, check in advance how the restaurant succah is constructed. I have often received phone calls from people at restaurants trying to figure out what to do, and I have advised them to eat only items that can be eaten outside the succah. ■

Endnotes:

- 1 *Igros Moshe, Orach Chaim* 1:177
- 2 *Succah* 14a
- 3 *Sheilos U’Tshuvos Yaskil Avdi* VI, *Orach Chaim* 20 analyzes both sides of the question. He also quotes a very interesting reason why people prefer slats over other types of *s’chach*. He contends that it is uncommon for them to be insect-infested, whereas other forms of *s’chach* may have such a problem.
- 4 See *Succah* 2a
- 5 Few Rishonim (other than those mentioned in the next footnote) make mention of *maamid* as a problem, and *Terumas HaDeshen* (1:91) and *Shulchan Aruch (Orach Chaim 630:13)* clearly rule that *maamid* is not a concern.
- 6 *Milchemes Hashem* and *Ran, Succah* 21b; *Bach, Orach Chaim* 629.
- 7 *Magen Avraham* 629:9, whose position is accepted by the majority of later authorities.
- 8 Note that this is a distinct issue from that of *maamid d’maamid* (the material supporting the structure that supports the *s’chach*), which the Chazon Ish considered to be halachically equivalent to *maamid* and others did not. *Maamid d’maamid* exists only when the *s’chach* would fall down if the metal were removed. Those who follow the Chazon Ish’s opinion construct their succah walls without screws or nails, since metal in the walls would indirectly support the *s’chach*. Instead, they use wooden dowels and other non-*mekabel tumah* items to support the *s’chach*.
- 9 *Orach Chaim* 143:2 s.v. *Ulechein*
- 10 *Succah* 12b
- 11 *Rambam, Hilchos Succah* 5:4
- 12 *Tosafos, Succah* 12b s.v. *Ba’anitzei*. There are other opinions to explain this *gemara*, but they will not

affect the halachah we are discussing.

13 Linen thread, which is the same thing as spun flax, will become *tamei* if *tzara’as* appears on it. See *Vayikra* 13:48. It is therefore invalid as *s’chach*, since this qualifies it as a *davar hamekabel tumah*.

14 *Sheilos U’Tshuvos Shevet HaLevi* 6:74; *Sheilos U’Tshuvos Yeshuas Moshe* 3:52

15 *Sheilos U’Tshuvos Yechaveh Daas* 1:64

16 See *Succah* 19b and the Rosh ad loc.

17 There is a second reason to permit cotton string to tie the *s’chach* mat. Even if we assume that cotton string is invalid for *s’chach*, it is a rabbinic stringency. Some early sources state that even those who invalidate *maamid* that cannot serve as kosher *s’chach* rule as such only in those cases that the Torah prohibited it, not in cases in which it is prohibited only by rabbinic stringency.

The halachic authorities cite two reasons to invalidate *maamid* that is not kosher as *s’chach*. Rashi states that using an invalid *maamid* is equivalent to using invalid *s’chach*. According to this approach, the Bach contends that the Torah itself invalidated *maamid* that is not kosher *s’chach*. On the other hand, *Milchemes Hashem* and the *Ran* both state that the use of invalid *maamid* is only a rabbinic injunction, to ensure that people don’t err and use invalid *s’chach*.

According to the latter approach, one could argue strongly that Chazal only prohibited use of a *maamid* that would be invalid *s’chach min haTorah*, but banning something invalid only *mi’d’rabbanan* would constitute a *gezeirah legezeirah*, a rabbinic injunction against violating another rabbinic injunction, which Chazal did not enact.

18 *Orach Chaim* 630:5

19 The concept of *dofen akumah*, (lit., “a bent wall”) does not validate this succah.

Dofen akumah means that if there is a ceiling or other material that is invalid as *s’chach* within four *amos* (about seven feet) of one of the succah walls, the kosher *s’chach* is still considered to be connected to the walls and the succah (beneath the *s’chach*) is kosher. Therefore, although the wall is a considerable distance from the *s’chach*, we view it as though the succah wall is “bent” and includes the ceiling section or invalid *s’chach*. Thus we find that people — and especially hotels — have removable roofs in their dining room, which they replace with *s’chach* before Succos. These can be completely kosher, but I suggest that a *rav* check it to make sure it was constructed correctly.

But *dofen akumah* does not validate the succah we are discussing, because *dofen akumah* is operative only when there is a ceiling or other material in existence to be considered a continuation of the wall; it cannot close up a gap in which there is no existing material that can become part of the wall.

20 *Succah* 24b

21 *Chazon Ish, Orach Chaim* 77:6

22 *Rambam, Hilchos Succah* 4:5; *Shulchan Aruch, Orach Chaim* 630:10

23 *Rabbeinu Peretz* in his notes to the *Sma”k*.

24 *Shulchan Aruch Orach Chaim* 630:10. *Rabbi Ovadiah Yosef* (among other authorities) discusses this issue at length in *Yechaveh Daas* 3:46.

25 If one uses vertical sticks or wires, then one needs to only construct “walls” through *lavud* until they reach a height of ten *tefachim* (80 centimeters or 31.5 inches), which is the minimum height requirement for the walls of a succah (see *Shulchan Aruch Orach Chaim* 630:9). For this reason, the prefab succahs made with belts or crossbars only have them from the floor until the height of ten *tefachim*.

26 *Bedikas HaMazon K’Halachah* by *Rabbi Moshe Vaya*, Volume III, pages 784–786.

27 *Niddah* 4a. Note that the *Aruch LaNeir*, in his addenda *Tosafos Bikkurim* to the end of *Shulchan Aruch Orach Chaim* 627, advises not to hang flowers from the *s’chach* as decorations because flowers might be infested with small insects that could fall unnoticed into the food on the table.