

This week's dvar Torah began as an investigation of the economics of psak. Specifically, I wanted to discuss whether, in an affluent society, chumrot (stringencies) function as a regressive tax on the poor, who for reasons of social conformity or insufficient knowledge are compelled to purchase hekhshered goods rather than cheaper, unhekhshered but equally kosher, goods. I hoped to use the burgeoning skhakh mat industry as a case in point.

It turned out, however, that a leading makhshir of such mats is the Star K, under Rav Moshe Heinemann, and as R. Meir Sendor properly reminded me, Star K has been a leader in transparency on this issue. [Here](#) is their list of products not requiring hashgachah; it certainly seems far from comprehensive, and compare here, but it is a genuine move toward transparency. (Perhaps it is only a list of products that they certify that don't require certification.)

I was privileged, through the good offices of Rav Sendor, to discuss this with Rav Heinemann, who agreed with the principle that the public must be told when a particular hekhsher is not halakhically necessary. Furthermore, the Star K rabbinic staff was very helpful and open in trying to figure out the basis of their position regarding the mats, and then Rav Heinemann himself discussed the issues with me at some length. I will accordingly devote this week's dvar Torah instead to an exposition of those discussions, as I understand them, and return to the broader issue in some other context.

My thanks to the friends, including Rabbi Michael Broyde, Rabbi Shlomo Brody, and Rabbi Sendor, who read and commented on drafts of the original piece. My thanks also to Rabbi Zvi Goldberg of Star K, who began the conversation with me, and Rabbi Mordechai Frankel, with whom it still continues.

The opening premise of the discussion is that skhakh must be made from something grown from the ground that is not mekabel tum'ah (susceptible to ritual impurity). The classic example of such is "peshutei keli eitz", wooden objects that have no beis kibbul (depression in which they can contain things). The twigs in matchstick blinds certainly meet these criteria.

However, the twigs must be held together by something, and it is there that issues are raised. There are two basic issues, of which the first is:

1. Must the skhakh be held up by something that could itself be kosher skhakh? Rav Ovadiah Yosef explicitly rejects this position in principle in Yechaveh Daat 164¹, but the OK adopts it, at least lekhtachilah (see the articles at www.kosherspirit.org). The OK therefore requires Sukkah mats to be tied with cotton string, rather than with nylon, and verifying this is a major component of their hekhsher.

The Star K accepts the OKs position in principle, but rejects it in practice on the ground that "held together" is not the same as "held up". They do encourage mats to be placed flat on top of the sukkah so that the string is not in fact "holding up" the skhakh. This is hard for me to understand – the real issue should, I think, be whether the string is necessary to keep the slats on top of the roof, not whether they raise it an additional fraction of an inch over the roof.

¹ Attached and translated, but not annotated owing to time constraints. Along the way, Rav Ovadiah raises the possibility that cotton string would be forbidden miderabbanan because, like processed flaxstalks (anitzei pishtan), they can be used to stuff cushions, and other reasons. As he rejects these, and no one else raises them, I will not discuss them here.

Accordingly, it seems to me that, if one is genuinely concerned for the OK's position but uses mats tied with non-natural string, one must ensure that each individual slat would be supported sufficiently if the string were removed. Perhaps one must also ensure that each individual slat would remain on the roof in an ordinary wind even if it were not tied to its fellows. I suspect that these conditions are rarely if ever met by sukkahs covered with sukkah mats, and therefore it seems to me that in practice Star K reject this position in toto.

Star K then raise an issue with directly opposite implications. Based on Igrot Moshe OC 1:177, they suggest that if the string holding the mat together is mekabel tum'ah, the entire mat would become mekabel tum'ah, and therefore invalid as skhakh even mideoraita. Accordingly, they will only hekhsher mats held together with nylon string.

However, Star K actually went further, requiring specifically monofilament nylon string. Here some background is necessary.

String of any material is generally not considered mekabel tum'ah; thus OK uses cotton string. However, Rashi to Shabbat 64a suggests that string which can be used as jewelry is mekabel tum'ah. Star K's website apparently took the position that Rashi refers to any string composed of more than one strand.

Reading the website, it seemed clear to me that the two requirements, nylon and monofilament, were contradictory. Nylon, so far as I knew, is not mekabel tum'ah; why then should it matter whether it was monofilament? Requiring monofilament meant that a multistrand string would be mekabel tum'ah, but that could not be true of nylon!

The Star K rabbinic staff initially suggested that R. Heineman held that nylon can be mekabel tum'ah – such positions do exist, although I contend that they do so only with regard to actual garments of nylon – but R. Heineman confirmed that he holds the standard position that nylon is not. What, then, justified requiring monofilament? To understand this position, we must return to Igrot Moshe cited above.

Igrot Moshe appears to be addressing² whether one can use wooden slats from a disassembled venetian blind as skhakh. He first suggests that peshutei klei eitz can in fact be mekabel tum'ah rabbinically, and therefore that the slats are intrinsically invalid. However, he concedes that this is a difficult position to sustain³. Furthermore, it seems likely to me that even Rav Moshe applied this only to reshaped peshutei keli eitz, such as venetian blind slats, but not to wood left in its natural condition, such as in matchstick blinds.

Igrot Moshe then says, however, that the slats were held in the blind by a woven material (likely cloth tape). He cites a variety of sources to suggest that peshutei klei eitz can be mekabel tum'ah when they are combined with something woven (arig), and that they remain invalid skhakh even when removed from the combination.

R. Heineman suggested that R. Moshe's position applied even if the cloth tape were made of nylon, in other words even if the cloth tape itself was not mekabel tum'ah. This struck me as a remarkable chiddush, but lacking any familiarity with that area of halakhah, I had no evidence on the issue. In correspondence with Star K rabbinic staff, they have confirmed my sense that this would be a highly original position, and brought

² The teshuvah is apparently written in continuation of a telephone conversation to which we are not privy

³ Laaniyut da'ati, it seems to be founded on a forced reading of Beit Yosef as having a forced reading of Rambam

evidence for their sense. I look forward to hearing and conveying the result of their subsequent conversation with Rav Heineman.

So by combining the position of Rashi that string which can be used as jewelry is mekabel tum'ah with an understanding of Rav Moshe as saying that peshutei klei eitz cannot be used as skhakh if they are in combination with woven material even if that material is not mekabel tum'ah, it seems possible to require specifically nylon, to avoid the problem of the string being mekabel tum'ah, and monofilament, to avoid the problem of wovenness.

However, even if one grants that we need to account for Rashi and that Rav Moshe should be thus interpreted, we still do not reach the result of requiring nylon monofilament.

Rashi actually states that string which is both spun and braided (kalua) can be mekabel tum'ah, and on Shabbat 57a he explains that kalua means "made of chains, hollows and rounds". However, it seems to me that (and Deborah Klapper confirms – I owe this insight to her overall) that just about all string (as opposed to rope) in the United States is twisted (shazur – see Rambam Hilkhos Keilim 1:12) rather than braided (kalua). When I raised this point with Rav Heineman, he agreed that Rashi would not view twisted string as mekabel tum'ah and therefore that even multifilament twisted nylon string would be valid. It seems to me further that by this logic twisted cotton thread would actually be preferable, as it is not mekabel tum'ah and valid skhakh, and thus does not raise an issue of "holding up". Either way, the twisted strings, cotton or nylon, in matchstick blinds should pose no halakhic barrier to their use as skhakh⁴.

There remain two possible halakhic issues with storebought blinds. The first is that mats intended or used for sleeping or sitting on are mekabel tum'ah. For this reason the OK tries to make its mats as uncomfortable as possible, and puts signs on the walls of its Chinese factory declaring that these mats are not intended for sitting. The last element seems comic – imagine the workers' conversations about the eccentric buyer once the mashgiach leaves! – and ineffectual to me, as workers' kavvanah cannot and generally should not be determined by their employers. But this seems beside the point, as no one used matchstick mats for seating – woven mats perhaps, but not these. Mats are also invalid if their like are used for roofing yearround, which OK claims invalidates sukkah mats in Kenya. I note only that this problem is far more likely to create issues for sukkah mats than for regular blinds.

The last issue is the question of hanging hardware; it's not clear to me what percentage of blinds are sold with and what without. One might argue that hanging hardware, or at least metal hanging hardware, is the equivalent of the cloth tape – it is certainly mekabel tum'ah - and thus according to Rav Moshe would invalidate the wood. However, Rambam Keilim 4:5-10 makes clear that the conjunction of peshutei keli eitz with something mekabel tum'ah only invalidates if the mekabel tum'ah is the primary element (ikkar) and the wood secondary (tafel). For example, a wooden key with metal teeth is mekabel tum'ah, whereas a metal key with wooden teeth is not. It seems to me difficult to view hanging hardware as more essential relative to the actual blind than the key blank is to the teeth.

⁴ I look forward to hearing Star K's conclusion on the reality, and therefore the halakhah.

I would go further and suggest that on the same ground even a matchstick blind with internal strings that are mekabel tum'ah would be valid according to Rav Mosheh, who dealt with a venetian blind where the cloth was an integral part of the mechanism regulating light entrance.

For all the above reasons it seems to me that store-bought all-wood matchstick blinds are perfectly valid skhakh. However, I look forward to reporting on my ongoing dialogue with Star K and others on this issue.

Chag sameiach!

Aryeh Klapper

שו"ת יחוה דעת חלק א סימן סד

שאלה: האם מותר לסכך את הסוכה בסכך לנצח, שעשוי מנסרים דקים הקשורים בחוטי כותנה?

תשובה: בגמרא מסכת סוכה (דף י"ב ע"ב), נאמר: סיככה באניצי פשתן (כלומר: פשתן שנידק וניפץ) פסולה.

והסביר הרמב"ם (בפרק ה' מהלכות סוכה הלכה ד'), ש

אף על פי שכל זמן שעדיין לא נטוה הפשתן אינו ראוי לקבל טומאה,

ועוד, שהפשתן הוא גידולי קרקע,

ואין סיבה לפוסלו מן התורה, מכל מקום

גזרו חכמים שלא לסכך בו מפני שנשתנית צורתו וכאילו אינו גידולי קרקע.

והראב"ד בהשגות שם נתן טעם אחר:

לפי שהפשתן שנידק וניפץ ראוי ליתנו בכרים וכסתות, ואז נעשה ראוי לקבל טומאה על ידי דבר

אחר –

לפיכך אין לסכך בו.

והתוספות בסוכה (י"ב ע"ב) הסבירו הטעם:

לפי שהוא קרוב לבוא לכלל טומאה לכשיהיה נטוה, וכמבואר בפרשת נגעים: "בבגד צמר או בבגד

פשתים" –

ולפיכך גזרו בו חכמים.

וכתב רבינו ישעיה אחרון ז"ל בפסקיו שהעיקר כדברי התוספות.

וכתב עוד, שלפי זה מותר לסכך בצמר גפן, הואיל ואין תורת טומאה עליו כלל, שהרי כל מיני בגדים חוץ

מבגדי צמר ופשתים אינם מטמאים בנגעים.

והנה לפי סברת רבינו ישעיה ברור שאין שום צד איסור לסכך בסכך לנצח, אף שנסריו קשורים בחוטי

כותנה דהיינו צמר גפן. שהרי אפילו לסכך ממש בחוטי צמר גפן אין כל מניעה לדעתו, כל שכן כאן שאין

החוטים אלא רק להעמיד את הנסרים הדקים, שהם הסכך של הסוכה.

אולם יש לדון לפי טעמו של הרמב"ם, שפסול הפשתן לפי שנשתנית צורתו, ולפי זה ודאי שיש לפסול חוטי

צמר גפן לסכך בהם מאותו טעם עצמו שנשתנית צורת הצמר גפן,

וכן לטעמו של הראב"ד, שפסול הפשתן לפי שראוי ליתנו בכרים ובכסתות, יש לפסול סיכך בצמר גפן,

שגם הוא ראוי ליתנו בכרים וכסתות.

ואם כן לפי דעת הרמב"ן במלחמות ה' פ"ב דסוכה (כ"א ע"ב) שהלכה

כרבי יהודה שהסומך סוכתו בכרעי המטה ואינה יכולה לעמוד בפני עצמה פסולה,

וכמי שאומר בגמרא שם שטעמו של רבי יהודה לפי שהוא מעמידה בדבר המקבל טומאה,

וכ"כ הר"ן שם,

לפי זה לכאורה נראה שיש מקום לפקפק על הסכך הזה, מפני שהמעמיד שלו חוטי צמר גפן שאין לסכך בהם.

אולם מלבד שהתוספות והרא"ש (סוכה כ"א ע"ב) כתבו שאין עיקר הטעם כמי שאומר מפני שמעמידה בדבר המקבל טומאה, אלא כמי שאומר מפני שאין לה קבע, ולכן אם יש גובה י' טפחים מן המטה לסכך כשרה, וכתב מרן הבית יוסף /א"ח/ (סוף סי' תר"ל) שכן דעת הרי"ף, ולכן פסק בשלחן ערוך שם להקל, ולפי זה מותר להעמיד הסכך אף בדבר שאסור לסכך בו. (וראה בס' ההשלמה, ובס' המאורות סוכה שם). ובתשובת מהרי"ל (סימן קנ"ז) כתב גם כן שמותר להעמיד את הסכך אף בדבר המקבל טומאה, הואיל ורוב הפוסקים פסקו כרבנן דרבי יהודה שהסומך סוכתו בכרעי המטה כשרה, ואפילו למי שפוסק כרבי יהודה, הרי יש אמורא שמפרש טעמו של רבי יהודה מפני שאין לה קבע, וכתב הרא"ש שכן עיקר, ולפי זה מותר ג"כ להעמיד הסכך בדבר שראוי לקבל טומאה, וכן נ"ל להלכה, ושכן נהגו כל רבותינו, ואין בזה ספק כלל עכ"ד. (וע"ע בשו"ת רב פעלים ח"ב חאו"ח סי' ס"ה).

ועוד שאפילו לפ"ד הרמב"ן והר"ן שסוברים להחמיר, וכ"כ כמה אחרונים להלכה, יש מקום להכשיר הסכך שבנידונו, על פי מה שכתב הריטב"א בחידושו ל"סוכה (דף י"א ע"ב), שאף להפוסקים שאוסרים להעמיד הסכך בדבר שראוי לקבל טומאה, מכל מקום כל דבר שהאיסור לסכך בו אינו אלא מגזירת חכמים, לא גזרו חכמים לאסור להעמיד בו סכך הסוכה, משום שהטעם שאסור להעמיד בדבר שאסור לסכך בו, אינו אלא משום גזרה שמא יבוא לסכך בו ממש, אבל כשהאיסור לסכך בו מדברי סופרים, מותר להעמיד בו הסכך, משום שגזירה לגזירה לא גזרינן. ולכן חוטי כותנה שפיסולם לסכך הוא רק מדרבנן, לדעת הרמב"ם מפני שנשתנית צורתו, ולדעת הראב"ד מפני שראוי ליתנו בכרים וכסתות, מותר להעמיד בו הסכך לכתחילה.

ואף שהגאון בעל פרי מגדים באשל אברהם (סי' תרכ"ט אות י"א) נסתפק אם גזרו בזה גזירה לגזירה, ויש אחרונים שפסקו להחמיר, העיקר כמו שמפורש בדברי הריטב"א הנ"ל להקל. וכן פסק הגאון רבי יהודה שמואל אשכנזי בספר בית השואבה. וכן פסק הגאון רבי חיים פלאג'י בספר לב חיים חלק ב' (סימן ק"כ). וע"ע בשו"ת אבני נזר (חאו"ח סימן ת"ע אותיות ב' - ג') ע"ש. וכן עיקר להתיר אף לכתחילה להלכה ולמעשה.

Yechaveh Daat 1:64

Question: Is it permitted to use skhakh of the “Lanetzach” brand, which is made of thin slats tied with cotton strings?

Answer: Talmud Sukkah 12b states: If he used znitzei pishtan (meaning: beaten and carded flax) as skhakh, the sukkah is invalid.

Rambam Sukkah 5:4 explained that

even though the flax is not mekabel tum’ah so long as it has not been spun,
and furthermore, the flax is grown from the ground,
so there is no deoraita reason to invalidate it as skhakh,

the Sages decreed not to use it as skhakh because its form had been changed, so it was as-if not grown from the ground.

The Raavad Sukkah 5:4 gave a different reason:

Since the flax was beaten and carded, it is fit to be used to stuff pillows and cushions, and thereby could become mekabel tum’ah though that conjunction – therefore it should not be used as skhakh.

Tosafot Sukkah 12b explained the reason:

Since it is easily mekabel tum’ah once spun, as explained in the Torah regarding clothing-plague “on a garment of wool or a garment of flax” –

Therefore the Sages decreed against it.

Rabbeinu Yeshayah the Later writes in his Psakim that the halakhah follows Tosafot. He writes further that according to this it is permitted to use cotton as skhakh, since tum’ah does not apply to it at all, as no fabric other than wool and linen are susceptible to the tum’ah of clothing plague.

Now according to Rabbeinu Yeshayah’s reasoning it is clear that there is no aspect of prohibition in using “Lanetzach” skhakh, even though the slats are tied with cotton strings, as in his opinion there is no objection to using cotton string as actual skhakh, all the more so here where the strings are only supporting the thin slats, which are the skhakh.

However, there is a basis for discussion according to the reason of Rambam, who invalidates the flax because its form was changed. According to this one would certainly invalidate cotton strings as skhakh for the very reason that the cotton’s form was changed.

Similarly according to the Raavad’s reason, that the flax is invalid since it is fit for stuffing cushions and pillows, one can invalidate cotton skhakh, since it is fit to be put in pillows and cushions.

Therefore, according to the position of Ramban (Milchamot HaShem Sukkah Chapter 2) that the halakhah

- a) follows R. Yehudah that one who supports his sukkah on his bedposts and it could not stand independently of those bedposts, and
- b) it follows the Talmudic position that R. Yehudah’s reason is that the skhakh would be held up by something mekabel tum’ah,

and RaN there wrote the same,

it seems that there is room to raise questions about this skhakh, because it is held up by cotton strings which ought not be used as skhakh.

However, not only did Tosafot and Rosh (Sukkah 21b) write that the primary explanation of R. Yehudah is not support by something mekabel tum'ah, but rather the position that the issue is lack of fixity, so that if it is 10 handsbreadths above the bed it is valid, and Maran Beit Yosef (OC 630) wrote that this is also the opinion of RIF, and therefore ruled leniently on this in Shulkhan Arukh (OC 630), and according to this one can hold up the skhakh with something forbidden to use as skhakh (see Hashlamah and Meorot to Sukkah there), and Responsa MaharIL 127 also writes that one can hold up the skhakh with something that is mekabel tum'ah, since most poskim ruled in accordance with the Sages who disagree with R. Yehudah and validate a sukkah supported by bedposts, and even for those who rule in accordance with Rabbi Yehudah, there is an amora who explains his reason as lack of fixity, and Rosh writes that this reason is primary, and according to this reason as well it is permitted to support skhakh with something mekabel tum'ah - This seems to me correct in practice, and this was the practice of all my teachers, and there is no doubt about this.

(See also Responsa Rav P'alim 3OC65)

Furthermore, even according to the strict position of Ramban and RaN, and a number of acharonim write that the halakhah follows them, there is room to validate the skhakh under discussion here on the basis of RITVA Sukkah 11b, who writes that even those poskim who forbid holding up the skhakh with something mekabel tum'ah, for the reason that one may not support skhakh with invalid skhakh, only do so as a rabbinic decree lest he come to use the support material as actual skhakh. But where the invalidity of the skhakh is itself only rabbinic, one may use it as support, since we do not make "decrees upon decrees". Therefore, since cotton strings are only rabbinically invalid as skhakh, according to Rambam because their form has been changed, and according to Raavad because they can be used to stuff pillows and cushions, it is absolutely permitted to use them to support skhakh.

Even though the gaon P'ri Megadim in Eshel Avraham 629:11 was unsure whether we make a "decree upon decree" here, and some acharonim rule strictly, the primary position is that explicit in the above RITVA for leniency.

So also ruled the gaon R. Yehudah Shmuel Ashkenazi in Sefer Beit HaShoeivah.

So also ruled the gaon R. Chaim Pelagi in Lev Chaim 2:120.

See further Responsa Avnei Nezer OC 470:2-3.

So the clear ruling in theory and practice is to absolutely permit this.