Mon, September 8, 2025 ■ ט"ו אלול, תש"פ

סימן תרכ"ו סעיף א

Halacha Highlight

A sukkah under a tree

Rema Siman 626 Seif 1 אין לעשות סוכה תחת בית או אילן

One should not construct his sukkah under a house or tree

Rema writes that one should not construct his *sukkah* beneath a house or a tree. Bikurei Yaakov (סקייא) explains that Rema is emphasizing that *l'chatchila* one should not build his *sukkah* under a tree even where according to all opinions the *sukkah* would not become invalid. In other words, even if the tree produces more sun than shade and the *schach* of the *sukkah* produces more shade than sun even after one subtracts the *schach* that is covered by the tree. Even if all of that is true one should not *l'chatchila* build his *sukkah* under a tree out of concern that perhaps he will not be so careful with the *halachos* and will eventually construct the *sukkah* in a condition that would be invalid. Kaf HaChaim (אות וי) also recommends that one does not build his *sukkah* under a tree and suggests that that is the reason Shulchan Aruch begins with the words והעושה סוכתו תחת האילן. And one who puts his *sukkah* under a tree" which is language that implies *b'dieved*.

Biur Halacha (דייה תחת האילן) in the name of Bikurei Yaakov teaches that the disqualification of constructing one's sukkah under a tree applies when the branches of the tree are directly over the sukkah. If the branches are not directly overhead the sukkah remains valid even though those branches cast a shadow onto the sukkah. If the branches are not directly overhead but when a common wind blows the branches are blown over the sukkah, Maharsham (דעת תורה) rules that according to halacha the sukkah remains valid even when the branches are directly over the sukkah. The rationale behind this ruling is that something that is not an ohel does not invalidate a sukkah and the Mishnah in Ohalos (8:5) teaches that a talis that blows in the wind does not convey tumah since it does not qualify as an ohel. Nevertheless, he recommends that these branches should be trimmed so that they do not blow over the sukkah.

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שייע סי תרכייו, אי: ייאין לעשות סוכה...יי

Today's amud begins discussing the technical halachos of building a sukkah.

Sometimes building a sukkah can be a bit daunting. It is only natural that those who are less handy and can use their neighbor's sukkos or the like don't want to be bothered to build a sukkah. An older man who knew he could easily use his son's sukkah wondered whether there was a reason to exert the effort to build his own. He was in perfect health and could easily build his sukkah, yet why should he if it was basically superfluous?

When this question reached the Kaf HaChaim, zt"l, he ruled that this man should definitely build his own sukkah. "We find in various sources that one who builds his own sukkah in accordance with the halachos will be protected from strife the entire year. Not only should you build your own, if possible you should put the s'chach on yourself. Even a person who is very important like a community leader who is halachically forbidden to do physical labor in front of three Jews may build his own sukkah. No matter how busy one is, if there is any possibility he should at least put the s'chach on his sukkah himself.

The Kaf HaChaim added, "Of course, you do discharge your obli-

Overview

Siman 626 Seif 1:

One may not build his sukkah beneath a house or tree and one who builds his sukkah under a tree: Some maintain that if the tree produces more shade than sun it is invalid regardless of other circumstances even if the sukkah has more shade than sun. If the tree allows more sun than it produces shade - if the sukkah has more shade than sun without the tree it is valid even if one does not lower the branches and intermingle them with the schach but if the sukkah has more shade than sun only in conjunction with the tree it is necessary to lower the branches and intermingle them with the schach so that they should not be discernable and the schach must be greater in quantity than the branches so that they nullify them. According to another position even if the sukkah has more shade than sun without the tree and the tree allows more sun than it produces shade if the branches are aligned over the valid schach it is invalid whether the tree came first or whether the schach came first since the branches are aligned over the valid schach. However, if one lowered the branches and intermingled them with the schach so that they are not discernable they are nullified and the sukkah is valid. Similarly, if the valid schach was placed atop the invalid schach it is considered intermingled and valid. If the branches are aligned over the airspace between the pieces of valid schach (or if the schach was so abundant that if one were to remove the schach that is under the branches he would still have a valid sukkah) it is valid since the valid shade is much more more abundant than the sun that even if one were to remove the tree there would remain enough schach for the sukkah to be valid. In all these cases it makes no difference whether the tree came first or the sukkah came first, the halacha will be the same.

- The sukkah must be directly under the sky. (M.B. 1)
- According to this opinion the sukkah is invalid even if one lowers the branches and intermingles them with his schach. Even if one has a greater quantity of valid schach the sukkah is invalid. (M.B. 2)
- It is permitted even I'chatchila to intermingle branches with one's schach in order to make a valid sukkah when the tree does not produce more shade than sun. (M.B. 5)
- The second opinion maintains that any schach that is under a branch is considered as though it is non-existent. (M.B. 6)
- Once the branches are intermingled with the schach the sukkah is valid even if the sukkah did not have enough valid schach without the branches. According to others the sukkah is valid only if the sukkah had a sufficient quantity of schach without the branches and one should be stringent in accordance with this opinion. (M.B. 7)
- If the schach produces more shade than sun the sukkah is valid even if the branches are recognizable or resting distinctly on top of the schach but some authorities disagree. (M.B. 8)
- Rema refers to where the valid schach is more abundant than the invalid schach. (M.B. 9)
- If the *schach* and branches are resting side by side rather than intermingled even if the ratio of *schach* to branches is 50:50 the *sukkah* is valid but since it is hard to be precise it is best to have more *schach*. (M.B. 9)
- Poskim indicate that the schach under the branches is considered invalid schach therefore the sukkah is not valid unless it is smaller than four tefachim in a large sukkah or less than three tefachim in a small sukkah. (M.B. 11)

gation with a borrowed sukkah. Nevertheless, the Zohar writes that one who builds his own sukkah will be protected from angels of destruction... And don't forget to say I'shem yichud and focus before doing this important mitzvah!"

כף החיים, סי תרכייו, סעיף אי