The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, September 9, 2025 ■ ט"ז אלול, תשפ"ה
סימן תרכ"ו סעיף ב'

Overview

Siman 626 Seif 2:

If one cut the tree from the ground with the intent to use it as *schach,* it is valid as long as one "shakes" it. This means that a piece must be lifted and placed down and then one must lift the next piece and place it down. If this "shaking" is not done the *sukkah* is invalid due to the principle of תעשה ולא מן העשוי. It is permitted to construct a *sukkah* under something attached to the ground or under a building and then remove it without being disqualified due to the principle of תעשה ולא מן העשוי since the disqualification was not the result of the *schach* itself.

- Detaching the branches from the ground is considered an act of making the *schach* but is not a complete action since the branches were not cut before they were placed on the *sukkah*. For that reason it is necessary to "shake" them. (M.B. 13)
- After "shaking" the branches they must be placed down with the intent to provide shade. (M.B. 14)
- In the Rema's cases it is not even necessary to "shake" the branches and all opinions agree about this *halacha*. (M.B. 15)

Stories to Share

A Novel Solution

ש"ע ס' תרכ"ו, ב': "אם קצץ האילן להכשירו..."

Today's amud discusses one who cuts down a tree over his sukkah to render it kosher.

When the Roshei Yeshiva of Pupa in Hungary, wished to expand the yeshiva building they were in a quandary. On the one hand it was absolutely essential that they expand the building since the old building could hardly hold the students. The trouble was that there was a fruit tree right next to the yeshiva and they did not wish to cut it down since our sages tell us that it is forbidden to cut down a fruit tree that bears a kav of fruit.

But what else could they do? They could not afford to buy a building in a new location, even if there was one available.

Finally they decided to ask Rav Aharon of Belz this question, "After all, it is for a mitzvah and some authorities permit cutting down a tree for a mitzvah..."

"Chas v'shalom! Of course you may not cut it down," the Rebbe replied. "It is true that some authorities permit cutting down a fruit tree for mitzvah purposes, but others forbid even then.

"But of course it would not be right to forgo expanding the yeshiva when it is so crowded. But I don't see why this tree should get in the way of your expansion plans. All you need to do is leave the tree standing but build around it. That way you have not violated the halachah yet you will have all the space you need."

And that is precisely what they did. They built around the tree. Many people would remark on the Beis Midrash with a tree inside!

חודש בחדשו, מנחם אב, תשס"ב, ע' ב'

Halacha Highlight

Lifting *schach* to make it valid

Shulchan Aruch Siman 626 Seif 2

שיגבה כל אחד לבדו ומניחו

To lift each one and place it down

Shulchan Aruch (סי' תרכ"ט סע' א') teaches that *schach* must be made from something that grew from the ground but has been detached from the ground. Our *seif* (סע' ב') addresses the case in which one pulled branches that were still attached to the ground which are invalid as we mentioned above onto his *sukkah* for *schach*. The way to make these branches usable for *schach* is to detach them from the ground. However, simply detaching the branches from the ground is insufficient due to another *drosha*. Chazal in the Gemara Sukkah (11a) cite the pasuk (Devarim 16:13) חג הסוכות תעשה לך—The festival of Sukkos you should make for yourself. The emphasis on תעשה gives rise to the principle תעשה ולא מן העשוי—*schach* must be placed for the sake of the *mitzvah* and it can't be used for the *mitzvah* once it is already there for some other purpose. The way to rectify the disqualification of תעשה ולא מן העשוי is to lift up each branch that was put on the *sukkah* while yet attached to the ground and place it back down with the intent to generate shade but it is not necessary to place the *schach* down for the sake of the *mitzvah* (מ"ב ס"ק י"ד).

Shulchan Aruch HaRav (סי' תרכ"ט סע' כ"ח) writes that the *schach* that is invalid due to the principle of תעשה ולא מן העשוי must be lifted a little. This indicates that it is not necessary to lift the pieces of *schach* more than three *tefachim* from the top of the *sukkah* so that it is beyond *lavud*; rather it is sufficient to lift it even a small amount. (פסקי תשובות אות ד' וספר הסוכה השלם מילואים דפ"י אות ב') One must also make sure that when he lifts the *schach* he must lift both ends of the *schach* at once since it is not clear that if one lifted one end and then the other end that it is effective to rectify the disqualification of תעשה ולא מן העשוי (ארחות רבינו ח"ב עמ' ר"י"ד).