The Chicago Center
Digest
Mishna Berura
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סימן תרכ״ט סעיף י״ב-י״ז

Halacha Highlight

Drying *schach*

Shulchan Aruch Siman 629 Seif 12
סכך בירקות שממהרין ליבש
If one made *schach* from vegetables that dry quickly

The Gemara Sukkah (13b) cites Shmuel who states that certain vegetables that dry quickly are not categorized as invalid *schach* although they are susceptible to *tumah*; rather it is treated as though it is empty air space. The reason is that since it dries and crumbles quickly it is treated as though it is not even there. Commentators (ספר הסוכה השלם מילואים לפרק ח׳ אות נ״ב ונ״ג) disagree whether this *halacha* is Biblical or Rabbinic in origin. An important practical difference whether the disqualification is Biblical or Rabbinic is whether it applies to the walls as well. If the disqualification is Biblical it would invalidate only the *schach* but if it is Rabbinic it may apply to the walls as well (See Rema 630:1).

Shulchan Aruch (סע׳ י״ב) records this halacha as well. Pri Megadim (משב״ז ס״ק י"ד) writes that leaves that dry quickly are assigned the stringencies of both invalid *schach* as well as open airspace. A practical application of this would be if one took vegetables or leaves that dry quickly and placed them on top of valid *schach*. If they are only treated as empty space the *sukkah* is valid since there is valid *schach* beneath it. If, however, it is treated as invalid *schach* as well, then the *sukkah* is invalid since the valid *schach* is invalidated by the placement of the invalid *schach* on top of it. Rav Akiva Eiger (חידושיו לסי׳ תרכ״ט סע׳ י״ב) also maintains that vegetables and leaves that dry quickly are treated with the stringencies of invalid *schach* as well as airspace. He discusses a *sukkah* that has two *tefachim* of invalid *schach* next to two *tefachim* of vegetables that dry up quickly. If the vegetables are treated like airspace the *sukkah* remains valid since airspace and invalid *schach* do not combine together. On the other hand if the vegetables are also treated as invalid *schach* the *sukkah* has four *tefachim* of invalid *schach* which thereby invalidates the *sukkah*.

Stories to Share

Overlooked Details

ש״ע ס׳ תרכ״ט, י״ד: ״כל דבר המחבר אין מסככין בו ודינו כדין אילן...״

Sukkos is especially complex halachically since it is often confusing to apply even those laws that you know well. A certain family built a beautiful sukkah in their spacious yard in Yerushalayim. It was close to the door of their house to allow convenient access to and from the sukkah. A neighbor who was a Torah scholar noticed that the sukkah was under the balcony of the apartment above. As we find on today's amud, anything attached to the ground has the same halachah as a tree. Since the balcony was above almost all of the sukkah it was certainly invalid. When the neighbor pointed this out to the family, they were very appreciative and moved their largish sukkah over.

Another similar story occurred to a man who had many trees in his yard. He built in a place which was not overhung by trees at all. But after he completed the sukkah he noticed that when the wind blew, nearby trees did overhang his sukkah. He wondered if his sukkah was valid all the time even though the problem of overhang was only intermittent.

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled that it was valid. "A tree which leans over the sukkah due to the wind is kosher even while the wind is blowing since this is not permanently above the sukkah.

לקנות חכמה, 8, ע׳ 5

Nevertheless, it is better to cut off these branches before the chag."

סוכה כהלכתה, ע׳ 75

Overview

Siman 629 Seif 12:

If one used vegetables for *schach* that dry up quickly, even though they are invalid since they are susceptible to *tumah*, it is not considered as though he used invalid *schach* that disqualifies the *sukkah* if it is four *tefachim* wide. Rather it is considered like airspace that disqualifies the *sukkah* if it is three *tefachim* wide. If the vegetables will not dry they are considered invalid *schach* and disqualify the *sukkah* if they are four *tefachim* wide. Anything that dries up within seven days is immediately treated as though it has already dried up and is treated like airspace that invalidates the *sukkah* at three *tefachim* even on the edge of the *schach*.

- The vegetables are considered empty space even before they dry up since the *schach* will not last for seven days. (M.B. 35)
- *Poskim* write that the same *halacha* is true regarding vegetables that are not eaten by people that dry and crumble very quickly. (M.B. 35)

Siman 629 Seif 13:

Anything attached to the ground may not be used for *schach* and has the same *halacha* as a tree.

- Something that was detached from the ground and then reinserted is valid for *schach* according to some *Poskim*. (M.B. 36)

Siman 629 Seif 14:

There are certain items that *Chazal* ruled should not *l'chatchila* be used for *schach*. Included are grasses that are not fit for consumption and thus are not susceptible to *tumah* but smell bad or the leaves fall off. The rationale behind the restriction is that perhaps the smell or falling leaves will cause people to leave the *sukkah*.

- If one used one of the types of *schach* that *Chazal* said one should not use *l'chatchila* he is not required to replace it even if he has other *schach*. (M.B. 38)
- *Schach* that smells so bad that people are forced to the leave the *sukkah* may be Biblically invalid. (M.B. 38)
- If branches fall only when the wind blows it is valid. (M.B. 39)

Siman 629 Seif 15:

It is also prohibited to use a bundle as *schach* since there are times that a person would place a bundle on his *sukkah* to dry and then decide to use that bundle for *schach*. Since that *sukkah* is invalid because of תעשה ולא מן העשוי, Chazal decreed that one should not use a bundle for *schach*. Since this was the basis of their decree it is prohibited only for bundles that are put out to dry which are bundles with at least 25 branches. Any bundle with less than 25 branches is valid for *schach*. If 25 branches emerge from a single trunk and the branches are bundled together it may be used for *schach* since it does not resemble a bundle. However, if another branch was bundled together and altogether there are at least 25 branches it may not be used for *schach* since it is a bundle. Any bundle that is not bound on both ends so that it can be transported is not a bundle and may be used for *schach*.

- Bundles of *schach* are invalid even *b'dieved*. (M.B. 40)
- It is considered as though the bundle was placed in an invalid manner since it was put up initially to dry. (M.B. 41)
- If the *schach* was bound in the middle it is a bundle. (M.B. 43)

Siman 629 Seif 16:

A bundle that is bound together so that the branches could be sold at a certain quantity and upon purchase they are untied is not considered a "bundle" for this *halacha*.

Siman 629 Seif 17:

If one used a bundle for *schach* and then untied the bundle the *sukkah* is valid since the restriction was only a Rabbinic decree in the first place. If a bundle was put up to dry and one decided to use that bundle for *schach*, since it was Biblically invalid it is not sufficient to merely untie the bundle, the branches must be moved.