The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תר״ל סעיף י״ב-י״ג

Overview

Siman 630 Seif 12:

One may use a friend as a wall to validate his *sukkah* even on Yom Tov as long as the friend does not know that he is standing there to serve as the wall of the *sukkah*. During the week it is fine even if he knows that he is standing there to be the wall of the *sukkah*. Even on Yom Tov the only restriction is if he is to be one of three walls that make the *sukkah* valid but it is acceptable to stand as the fourth wall, see *siman* 362:5.

- One may only use a person as a wall for his *sukkah* on Yom Tov but one may not use an animal for that purpose. (M.B. 54)
- It is not effective to use a gentile as one of the walls of a sukkah. (M.B. 55)
- Once one has a valid sukkah the additional wall merely adds to the existing structure which is permitted. Similarly, one may use utensils to form a fourth wall on Yom Tov but not for one of the three essential walls since that involves the construction of an *ohel*. (M.B. 57)

Siman 630 Seif 13:

If a *sukkah* is supported by the legs of a bed and the legs are the wall of the *sukkah*, if there is ten *tefachim* from the bed until the *schach* the *sukkah* is valid but if not it is invalid. If the *schach* is supported by posts and the legs on the bed are the walls, even if there is not ten *tefachim* from the bed until the *schach* the *sukkah* is valid since there are ten *tefachim* from the ground until the *schach*.

- If the *schach* is supported by the bed then the bed is considered the bottom of the *sukkah* and there must be ten *tefachim* from the bed until the *schach*. If the *schach* is supported independently and one merely placed the bed under the *schach* the ground is the bottom of the *sukkah* and the ten *tefachim* are measured from the ground until the *schach*. (M.B. 58)
- Although the bed that supports the *schach* is susceptible to *tumah*, nevertheless the *sukkah* is valid since the issue of susceptibility to tumah applies to the *schach* and not the walls. Nevertheless, *l'chatchila* one should avoid constructing the *sukkah* in this manner since there are *Poskim* who are stringent about this matter. (M.B. 59)

Halacha Highlight

Making one's bed into a *sukkah*

Shulchan Aruch Siman 630 Seif 13
הסומך סכתו על כרעי המטה
One who supports his *sukkah* on the beams of his bed

Shulchan Aruch (סעי׳ י"ג) discusses two cases of using one's bed for a *sukkah*. In the first case the boards around the bed serve two functions simultaneously. They serve as the walls of the *sukkah* extending from the ground until the *schach* and they also support the *schach*. In the second case one placed four poles in the ground and those poles support the *schach*. The poles are spread out enough that one can place his bed between the poles. In this case the boards that surround the bed serve only a single function, namely, they serve as the walls of the *sukkah*. The primary difference between these two cases is calculating the height of the *sukkah*. In the first case since the boards around the bed serve as the walls as well as the support for the *schach* the horizontal beams where the person sleeps are considered the bottom of the *sukkah* and there must be ten *tefachim* between those beams and the *schach*. In the second case since the boards around the bed are the walls of the *sukkah* but do not support the *schach* the ground in considered the bottom of the *sukkah* and the minimum ten *tefachim* height is measured from the ground until the *schach* and the presence of the bed does not diminish from that measurement (ע׳ מ״ב ס״ק נ״ח).

Regarding the first case in which the boards of the bed also support the *schach,* Mishnah Berurah (ס"ק נ״ט) is troubled why the *sukkah* is valid even if there are ten *tefachim* from the bed until the *schach*. Seemingly, the *schach* is being supported by something that is susceptible to *tumah* and as such one should not have the *schach* rest upon it. He answers that the disqualification of having the *schach* supported by something that is susceptible to *tumah* applies to something that is *schach* rather than the walls. He then notes that since there are *Poskim* who are stringent about this matter it is best to avoid constructing one's *sukkah* on his bed.

Stories to Share

A Novel Idea

ש"ע ס' תר"ל, י"ב: "יכול לעשות מחבירו דפן לסכה להכשירה..."

People who need to spend Sukkos in far-flung places sometimes have some interesting halachic questions. One such person is a mashgiach kashrus. Often mashgichim must go to very distant locales, jumping from plane to plane and running themselves ragged in the process. Finding a sukkah with such a hectic schedule can be nearly impossible—building one is definitely out of the question. Since many mashgichim have their earnings as their main motivation, they are not the kind of shluchei mitzvah that are not obligated in sukkah. What is such a mashgiach to do?

One enterprising man who needed to travel on sukkos had a great idea. Although he didn't have access to a sukkah, perhaps he could make a kind of temporary sukkah for the short time that he ate kind of temporary sukkah for the short time that he ate his meals. He had learned the halachah on today' amud that one wall of a sukkah may be formed by people and he wondered if he could take this a step further. "Why not ask—or even pay—some locals to stand around and act as my walls? Presumably, if they hold schach, they equal a kosher sukkah! I only need them to hold it up until I finish my sandwich…"

But of course he was not going to act on this novel idea without asking a competent posek.

When this question reached Rav Nissim Karelitz, he admitted that he was unsure if this would be effective. "We find that it is permitted to spread out an ohel over people on Shabbos. (כן מפורש בגמ׳ שבת דף מ״ג) Although this is not considered a bona fide non-permanent ohel regarding Shabbos, it is considered an ohel regarding ritual defilement. Its exact halachah regarding creating a kosher sukkah remains unclear…"

חוט שני, סוכה, ע' ר"ל