The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרל"ה סעיף א'

Overview

Siman 635 Seif 1:

A sukkah is valid even if it was not constructed for the sake of the mitzvah as long as it was made to provide shade, for example, the sukkah of a gentile, women, animals, Cutheans, shepherds, fruit watchers, city guards and field guards. A sukkah that came into existence on its own is invalid since it was not constructed for shade. Consequently, if someone digs out a pile of straw to make a sukkah it is not valid since the pile was not made to generate shade (what is done later is invalid due to the principle of תעשה ולא מן העשוי). **Therefore, if when one first made the pile of straw he left an airspace of a tefach that was seven tefachim long for the sake of being a sukkah and subsequently one dug out the rest so that there is empty space to a height of ten tefachim it is valid since it was initially made to produce shade. If the pile is very large and one left space only one tefach high for a length of seven tefachim and then dug out a large area to make a large sukkah, only the original seven tefachim are valid. If one carved out four amos on each side of the seven tefachim, even the seven tefachim become invalided since invalid schach invalidates on the side at a length of four amos.** One should not place the schach before constructing the walls. If one built a tefach of wall near the schach it is permitted to place the schach before constructing the rest of the walls similar to carving out the pile of straw.

- Although a sukkah does not have to be built for the sake of the Yom Tov it must be constructed to produce shade. The way we determine whether the schach was added for shade is by its thickness. If the schach is thick it is evident that it was added for shade rather than privacy. (M.B. 1)
- Meaning it became schach without the person actually touching the schach. (M.B. 6)
- Since one left an open space a tefach tall and a length of seven tefachim by seven tefachim it is called schach since a tefach is already an ohel and when digs out the rest later he is merely fixing the walls. (M.B. 7)
- It doesn't matter whether the tefach was near the top of the pile and one dug down or whether the tefach was near the bottom of the pile and one dug out the straw above that tefach. (M.B. 8)
- When making schach it must be for the sake of shade and if there are no walls the roof does not constitute an ohel. (M.B. 9)
- B'dieved if one made the schach before the walls there is a dispute whether it is valid. (M.B. 10)
- The tefach must run the length of the sukkah and then one placed the schach followed by the walls. (M.B. 11)

Halacha Highlight

Placing schach with the correct intent

Shulchan Aruch Siman 635 Seif 1

והוא שתהיה עשויה לצל

As long as it was done to produce shade

Shulchan Aruch rules that a sukkah that was not constructed for the sake of the mitzvah is valid as long as the schach was added with the intent that it would produce shade. Mishnah Berurah (סק"א) explains that although it is not necessary to construct a sukkah for the sake of Sukkos, it is necessary for the schach to have been placed on the sukkah for the purpose of making a sukkah, meaning to produce shade. Accordingly, there are Poskim who maintain that schach that was placed without intent to produce shade is invalid. For example, if the wind blew branches off of a tree and it landed on one's sukkah, those branches may not be used for schach since the branches were not placed there with the intent to produce shade and one must lift up the branches and place them down again with the intent that they should provide shade. Other Poskim disagree and maintain that Shulchan Aruch's intent was not that a person must place down the branches for the sake of providing shade. The intent was that one should want the coverage to provide shade. In the event that the owner sees the branches on the sukkah and wants them to provide shade it is sufficient.

According to the first literal reading of Shulchan Aruch, one could argue that it should not be acceptable for a child to place schach on the sukkah since a child is halachically incapable of intent. According to the second reading, one could contend that as long as the father instructed his child to put schach on the sukkah it is valid since the intent of the father is that the schach that is there should provide shade. Poskim, however, agree that l'chatchila one should not have a woman, child or gentile put schach on one's sukkah in order to satisfy Rabbeinu Tam's position that one who is not obligated to perform a mitzvah may not perform that mitzvah (פסקי תשובות אות א').