



Halacha Highlight

Building a sukkah on chol hamoed

Shulchan Aruch Siman 637 Seif 1

עושה סכה בחלו של מועד

May build his sukkah on chol hamoed

Shulchan Aruch (סעי' א') rules that one who does not have a sukkah may build one during chol hamoed. Mishnah Berurah (סק"א) explains that the necessity for this ruling is to teach that one who did not build a sukkah before Yom Tov is not penalized for not having done so and may build his sukkah during chol hamoed. Biur Halacha (ד"ה עושה סכה בחלו של מועד) cites Ma'amar Mordechai who asserts that this ruling does not allow one to perform a prohibited act of construction or destruction. Therefore, the only allowance is to place schach on existing walls. Although creating an ohel by forming a roof is prohibited on Yom Tov, there is no prohibition against forming a temporary ohel on chol hamoed.

Biur Halacha disagrees with this position. He explains that certainly if the prohibition against melacha on chol hamoed is Rabbinic there is no doubt that it would be permitted to do such work on chol hamoed but even if the prohibition against performing melacha is Biblical it would be permitted to perform the construction necessary to build a sukkah. The reason is that there is a mitzvah for one to dwell in a sukkah for the seven days of Sukkos and melacha necessary to fulfill that mitzvah is permitted. Precedent for this is

Overview

Siman 637 Seif 1:

Someone who did not construct a sukkah, whether unintentionally or intentionally, should construct a sukkah on chol hamoed, even at the end of the seventh day. Similarly, one may leave one sukkah to dwell in another.

- ❖ Certainly if one's sukkah falls on Yom Tov one may build it on chol hamoed. On Yom Tov it is prohibited to construct it and even if the wind blew off some of the schach it may not be added on Yom Tov. One may ask a gentile to put up schach on Yom Tov even if all of it fell. (M.B. 1)

Siman 637 Seif 2:

One fulfills the mitzvah with a borrowed sukkah and one may also satisfy his obligation with a sukkah owned together with a partner.

the halacha that permits one to write tefillin or mezuzos when he needs them on chol hamoed. Moreover, even if constructing the sukkah requires the expertise of a craftsman (מעשה אומן) it is permitted. Elsewhere (סי' תר"מ סעי' ו' ד"ה וסעודת) he writes in the name of Bikurei Yaakov that one who has a sukkah may build a larger one to accommodate his guests for the meal that follows a bris milah. However, regarding this matter, Poskim write that if the additional sukkah could be built in a simple manner (מעשה הדיוט) that is preferred (פסקי תשובות אות א').