The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרמ"ו סעיף א'-ב'

Overview

Siman 646 Seif 1:

If the top of the hadas is clipped it remains valid. If the majority of leaves fell off but three leaves remain in a verticil it is valid.

- Shulchan Aruch refers to where the top of the branch was clipped off. (M.B. 1)
- In seif 10 we will see that this issue is subject to debate. (M.B. 2)
- For example, in each vertical there were seven leaves and four of those leaves fell off. Since three leaves remain at each level it fulfills the prerequisite of עץ עבות and the hadas remains valid. (M.B. 3)

Siman 646 Seif 2:

If the berries are more numerous than the leaves but they are green it is valid but if the berries are red or black it is invalid. If one removed the berries it is valid. The berries may not be removed on Yom Tov since it repairs the hadas. If one did remove them or if one plucked them one at a time to eat it the hadas is valid. (After the first day it is valid even with the berries.)

- Red and black berries invalidate the hadas since it is not hadar. It is not clear whether berries of different colors invalidates the hadas. (M.B. 6)
- Shulchan Aruch refers to where they were plucked before Yom Tov even if they were plucked after one bound together the hadas with the other species. (M.B. 7)
- Taz and Gra assert that it should say that the berries were plucked by someone else to eat since he has no interest in making a valid hadas but if it is the owner it is prohibited since inevitably the hadas will be rendered usable and he benefits from that unless he has other valid hadasim. (M.B. 8)
- Rema refers to where one did not even remove the berries altogether. This assumes that disqualifications of hadar are invalid only for the first day but according to our position in siman 649 that hadar invalidates for all of Sukkos, this hadas is invalid as well. (M.B. 9)

Halacha Highlight

Removing berries on Yom Tov

Shulchan Aruch Siman 646 Seif 2

ואין ממעטין ביום טוב

One may not remove them on Yom Tov

Shulchan Aruch (סע' ב') discusses the validity of a hadas that has berries growing on it. He rules that if the berries are green the hadas is valid, but if the berries are red or black the hadas is invalid. The rationale behind the distinction is that green berries are the same color as the leaves so they do not represent a different color but black and red berries are a different color from the leaves of the hadas and consequently invalidate the hadas since it is not hadar (מ"ב סק"ו). Rav Nissim Karelitz (חוט השני סוכות עמ' רפ"ו) writes that if the leaves of a hadas have black spots on them it remains valid. Chazal only mentioned that different colored berries invalidate the hadas but did not mention anything about the leaves changing colors and we do not create new invalidations.

In the event that one has berries that invalidate one's hadas they could be removed and the hadas would then be fit for use. However, they must be removed before Yom Tov, for on Yom Tov it is prohibited to remove the berries since by doing so one "fixes" the hadas by making it usable for the mitzvah. Pri Megadim (א"א סק"ב) expresses uncertainty whether one could instruct a gentile on Yom Tov to remove the berries and does not draw a definitive conclusion. Rav Akiva Eiger (הגהותיו על ט"ז סק"ו) asserts that the matter is subject to the debate whether removing the berries on Yom Tov constitutes a Biblical or Rabbinic prohibition. According to Mordechai making the hadas usable constitutes a Biblical prohibition and thus one would not be permitted to ask a gentile to perform an activity that is Biblically prohibited. Rashi and Tosafos contend that removing the berries is only Rabbinically prohibited and thus it would be permitted to ask a gentile to remove the berries on Yom Tov since it would be שבות דשבות במקום מצוה—A double d'Rabanan necessary for the fulfillment of a mitzvah.