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

Overview

Siman 646 Seif 3:

The Torah's reference to ענף עץ עבות is the hadas whose leaves cover the stem, meaning that there are three leaves at each vertical. If two leaves are on the same level and the third leaf is higher it is not עבות and instead is called a hadas shoteh and is invalid even in a pressing circumstance. There is, however, an opinion cited in the Gemara that maintains that it is valid, therefore, the custom in these countries is to use such hadasim that do not have three leaves on one vertical. Some write that our hadasim are not considered hadas shoteh since there are two leaves that rest on two leaves which is not the case of hadas shoteh referenced in the Gemara. For this reason the custom is to be lenient in accordance with Mahari Kolon and Mahari Isserlin in their responsa.

- In other words the leaves are in a circle without one resting lower than the others even though each one has its own stem. (M.B. 10)
- Even if there were two leaves resting on two leaves it does not meet the Torah's requirement of עבות. (M.B. 13)
- Gra and other authorities strongly question this custom and one who has reverence for the word of Hashem will make sure to obtain hadasim that have three leaves at each vertical. (M.B. 15)

Siman 646 Seif 4:

If there were many leaves on one vertical and some fell off leaving three on each vertical the hadas is valid even if the majority fell off. For example, if there were seven leaves at each vertical and four of the leaves fell off leaving only three.

- If only two leaves remain it is invalid. Although there are authorities who maintain that if the hadas started with three leaves and one fell off it is valid, in that case the majority of the original leaves remain as opposed to Shulchan Aruch's case where the majority of the original leaves fell off already. (M.B. 17)

Halacha Highlight

Mishulash

Shulchan Aruch Siman 646 Seif 3

שלשה עלין או יותר בגבעול אחד

Three or more leaves growing from the same stem

Shulchan Aruch (סעי' ג') explains that in order to qualify as עץ עבות it is necessary for the three leaves must emerge at the same level on the stem – vertical. In the event that two of the leaves are on the same level but the third leaf of the group is higher or lower than the other two, the hadas is called a hadas shoteh since it does not follow the normal pattern of growth and thus is invalid for use. Sefer Chidushim U'Biurim (סוכה סי' ה') writes in the name of Chazon Ish that even if the leaves are not on the exact same vertical but if one were to draw a line around the stem that line would touch each one of the three leaves the hadas is valid. Rav Dovid Soloveichik (ארבעת המינים למהדרין עמ' קפ"א) relates that his father, the Brisker Rov, quoted his father, Rav Chaim Soloveichik, as also ruling that as long as one could draw a straight line that would touch all three leaves the hadas is valid for use. Rav Chaim Kanievski (כשרות ארבעת המינים עמ' פ"ו) explains that each leaf has a stem that connects it to the branch and as long as a line could be drawn that touches the stem of all three leaves it is considered mishulash.

Rav Nissim Karelitz (חוט שני סוכות עמ' רפ"ח) addresses the circumstance in which one could draw a line that connects leaf 1 to leaf 2 and another line that connects leaf 2 with leaf 3 but it is not possible to draw a line that will touch all three leaves simultaneously. He rules that one should not use such a hadas since it is not considered as though the three leaves are on the same vertical. However, in a pressing circumstance he rules that one may use such a hadas since the three leaves are somewhat connected to one another.