

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT ©

# Hilchos Daled Minim Shiur 2

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Edition 1.1

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# The Laws of Lulav

## *Simon 645:4-9*

**4** If the leaves are not (lying) one on another like the way of all lulavim, rather they are one below the other, if the top of one (leaf) reaches the root (bottom) of the next (leaf) above it to the point that the entire spine of the lulav is covered with leaves it is kosher.

However, if the top of one (leaf) does not reach the root (bottom) of the (leaf) above it or if it does not have a lot of leaves one on another rather on each side one (leaf) comes out from the bottom near the root and goes all the way to the top it is pasul.

**5** A lulav that most of its leaves (*or the spine*) dried out is pasul. The amount that is called dried out is from when the green color disappears and turns white.

*Rama: There are those that say that it is not called dry unless it is so dry that it can be peeled with ones fingernail and this is the custom in our countries that lulavim are hard to obtain.*

**6** If the top is cut meaning that most of the upper leaves are cut it is pasul.

*Rama: If the upper most leaf in the middle that is on the shedra is cut it is pasul. However, this is only if there are others but if there are not others one can make a brocha on this.*

**7** (If the lulav is) split, if the two part of the split are far enough from each other that it looks like two it is pasul.

*Rama: This is even if the teyomes is not split in a way that would render the lulav pasul because of (the din) nechlak hatyomes.*

**8** If there are thorns on the shedra or it shrunk and is shrivled or it is bent forward in a way that the shedra looks like a hunchback it is pasul. Similarly, if it is bent to one of the sides it is pasul. However, if it is bent backwards it is kosher because this is the way it grows.

9 If the top is bent over it is *pasul*. However, this is only if the *shedra* is bent over, but if the leaves are bent over on the top like is normal by many *lulavim* it is kosher.

## Small Leaves

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SIMON 645:4

The Source

The source for this *din* is the *Mishna* 29b.

The palm trees of Har Habarzel (Mount Iron) are kosher.

**Rashi** explains that even though the leaves do not go the whole length of the *shedra* they are kosher.

THE GEMORA 32A ELABORATES:

Abayee said "This is only where the top of one leaf reaches the root of the next leaf. However, if the top of one leaf does not reach the root of the next leaf it is *passul*".

## A Dried Out Lulav

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SIMON 645:5

The source

The source of this *din* is the *Mishna* 29b.

A dried out *lulav* is *passul*.

The *Gemora* explains that a dried out *lulav* is *passul* because it is not *hadar*.

There are two points that need to be clarified.

1. Which part of the *lulav* is the *Mishna* referring to.
2. What is called dried out.

1. Which part of the lulav is the Mishna referring to?

- The **Ra'avad** holds that in order to be *passul* most of the *shedra* needs to be dried out. The *Ra'avad* adds that if just the leaves are dried out if the *teyomes* (the upper middle leaf) is not dried out it is kosher.
- The **Rosh** and **Ran** hold that even if most of the leaves are dried out it is *passul*.

The *Mechaber* brings the *Rosh*, and the *Rama* brings the *Ra'avad*.

The **Mishna Brura** (22) brings from the *Pri Megadim* (*Eshel Avraham* 5) that according to the *Ra'avad* if just the *teyomes* is dried out it is *passul*. We see from the **Biur Hagra** at the end of the *simon* that the tip of the *lulav* is more stringent. Accordingly, even if just the tip is dried out it is *passul*.

The **Chazon Ish** (145:11) disagrees with the *Mishna Brura*. He holds that the *Ra'avad* is only saying a *kula* that if all the leaves are dry it is only *passul* if the *teyomes* is also dry. However, if just the *teyomes* is dry then it is kosher.

Certainly for the first day one should be *machmir* like the *Mishna Brura*, therefore it is important to store the *lulav* in a way that it will not dry out.

2. What is called dried out?

- **Tosefos** says that it is only called dried out if it crumbles when scratched with ones fingernails.
- The *Rosh* brings the **Ra'avad** that says that even after a long time a *lulav* will not crumble. He explains that dried out means that the *lulav* no longer has a green color rather it turns white.

The **Mechaber** is *posek* like the *Ra'avad*, and the **Rama** says that since *lulavim* were hard to find in his country the *minhag* was to rely on the *Tosefos*.

The **Taz** (5) says that most *poskim* do not agree to *Tosefos* and therefore one should only use a *lulav* that still has a green color unless another cannot be found. This is also brought by the **Mishna Brura** (25).

## The Top is Cut

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SIMON 645:6

The Source

The source for this *din* is the *Mishna* 29b.

If the top is cut it is *passul*.

There is a *machlokes* *Risbonim* what the top is referring to.

- The **Ra'avad** holds that it refers to the *shedra*.
- The **Rosh** says that it seems that this refers to the two upper leaves (i.e. the *teyomes*). The *Rosh* asks on this that if it is cut it is *passul*, why does the *Gemora* have to tell us that if the *teyomes* is missing it is *passul*? Missing is not any better than cut! The *Rosh* first brings another explanation that the *Mishna* means that top of most of the leaves are cut. The *Rosh* then goes on to say that the first explanation can also be correct and gives two answers to his question.
  1. Completely missing is nicer than partially missing / cut. Therefore, the *Gemora* has to tell us that even if the *teyomes* is missing entirely it is *passul*.
  2. It is only *passul* when both upper leaves are cut but if even one is entirely missing it is *passul*.

The **Tur** adds that this means that most of each leaf was cut.

- The **Ran** holds that if the upper most leaf was cut it is *passul*. This is also the opinion of the **Rashba** and **Magid Mishna**.

The **Bais Yosef** concludes that it is possible that the *Rosh* and *Ran* are not arguing, rather the *Rosh* is speaking about a *lulav* that ends with two leaves and the *Ran* is speaking about a *lulav* that ends with one leaf.

L'halacha

The **Mechaber** is *posek* like the second explanation of the *Rosh* (see *Biur Hagra* 6). The **Rama** is *posek* like the *Ran*.

There are three ways to explain the *machlokes* *Mechaber* and *Rama*:

1. The **Bach**, **Taz** and **Gr"a** say that the *Mechaber* is referring to all the leaves that end above the *shedra*. The *Mechaber* holds that only if most are cut it is *passul*

and the *Rama* holds that even if the middle leaf it cut it is *passul*. The **Taz** (6) asks that the *Rama* should say *v'yaish omrim* since he is arguing.

2. The **Nahar Shalom** and **Mamar Mordechai** explain that the *Mechaber* is referring to a *lulav* that ends in two leaves. In such a case if most of both leaves are cut it is *passul*. However, if the *lulav* ends in three leaves and the middle one is cut the *Mechaber* agrees to the *Rama* that it is *passul*.
3. The **Pri Megadim** learns that the *Mechaber* is referring to a *lulav* that ends in three leaves and the *Rama* is speaking about a *lulav* that ends in one leaf and there is no argument. However, the **Biur Halacha** argues that there is a *machlokes* if the *lulav* ends in three leaves. According to the *Mechaber* it is only *passul* if most are cut and according to the *Rama* even if only the middle one is cut it is *passul*.

*Rama*

The **Rama** says that if one cannot find a *lulav* that the upper leaf is not cut one can use the one that is cut and make a *bracha* on it. This is based on the *Mordechai*.

The **Mordechai** says that we find that *passul* can mean *l'chatchila* but if there is no other *lulav* one can use it and make a *bracha*.

The **Bais Yosef** asks on the *Mordechai* that this does not seem correct from all the *poskim*.

The **Taz** (7) asks on the *Bais Yosef* that we do find *Rishonim* that say that *b'diavad* the *lulav* is kosher. The proof is from the *Gemroa*.

The *Gemora* says:

The villagers would inherit the *lulavim* to their children (even though the *lulavim* dried out).

The *Gemora* concludes that since it was a *sha'as hadchak* it is permitted. This is how the **Rambam** is *posek*.

The **Magid Mishna** says further that the *Geonim* relied on this *Gemora* to permit other *pesulim* as well, for example if the top was cut. He says that this is also the *psak* of the **Ramban**.

Therefore, the *Taz* concludes that the *Rama* is correct since the *Rambam*, *Ramban* and *Magid Mishna* hold this way.

However, the **Magen Avraham** (6) says that the *Mordechai* is referring to a *badas* but a *lulav* that is cut is *passul* even *b'sha'as hadchak*.

Halacha l'ma'aseh

The **Mishna Brura** (*Biur Halacha* ד"ה אבל) says that many *Achronim* argue with the *Magen Avraham* and rely on the *Rama*. Therefore, *b'sha'as hadchak* one cut use a *lulav* that the upper leaf is cut and even make a *bracha*. However, if most of the upper leaves are cut it is *passul* even *b'sha'as hadchak*. Furthermore, if most of the upper leaf is cut it is also *passul* even *b'sha'as hadchak*.

Two Teyomes

The **Mishna Brura** (29) brings from the **Bikurei Yaakov** that if only one leaf is cut it is kosher.

How much is cut

The **Mechaber** and **Rama** do not tell us how much the leaves where cut. The **Mishna Brura** (26) brings that the *Levush* holds that even if a small amount it cut it is *passul*, and that others argue. In **Biur Halacha** (ד"ה רב) he elaborates that from the *Rosh* it seems that even if a small amount is cut it is *passul*. However, from the *Ran* we see that this is only an issue by the upper most leaf (the *teyomes*).

The Thorn

Some *lulavim* have a thorn like protrusion coming out of the upper most leaf.<sup>1</sup> The **Ikrei Dat** says that if this thorn is cut it is not called *niktam rosbo* and the *lulav* remains kosher.

## Hemnik

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SIMON 645:7

The Source

The source for this *din* is the *Gemora* end of 31b.

Rav Huna said "Only a cut *lulav* (is *passul*) but a split *lulav* is kosher. The *Gemora* asks "Is a cracked *lulav* kosher? We learned in a *Braisa* a *lulav* that is folded over, *kavatz*,<sup>2</sup> cracked or bent like a sickle is *passul*.

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<sup>1</sup> See picture פה in the עוז והדר משנה ברוה..

Rav Papa answered (it is only *passul*) if it is make like a hemnik.

Rashi explains that the *lulav* grows like a stylus that has two points. Similarly the *lulav* is split and there is a gap between one side and another.

There is a *machlokes Rishonim* which part of the *lulav* is split.

- **Rashi** learns that the *shedra* is split like two backbones.
- The **Ran** brings those that learn that even if the leaf is split in a way that there is a separation between one and another it is *passul*.

L'halacha

The **Levushai Srad** (brought in **Biur Halchala**) explains that the *Mechaber* is speaking about the leaves, and according to the *Mechaber* it is only *passul* if most of the leaves are split in such a way that there is a separation between the leaves. The difference between our *din* and *nechlak hatiyomes* in *seif 3* is that by *nechlak hatiyomes* it is only *passul* if most of each leaf it split. In our *sief* we learn that even if a minority of each leaf is split it is *passul* if it is like a *hemnik*. According to the *Rama* even if the *teyomes* is split like a *hemnik* it is *passul*. This is the way the **Taz** learns the *Rama*. The **Magen Avraham** learns that the according to the *Rama* even if there is a space between one leaf and another it is *passul*. The **Sha'ar Hatzion** (33) says that according to the *Magen Avraham* when one wants to check the middle leaf one must be careful not to separate one leaf from the other in a way that a space will remain.

## Thorns, Shriveled and Bent

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S I M O N

6 4 5 : 8

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### Thorns and Shriveled

The Source

The source for this *seif* is the *Gemora* mentioned above.

A *lulav* that is folded over, *kavatz*, cracked or bent like a sickle is *passul*.

There is a *machlokes Rishonim* what *kavatz* means.

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<sup>2</sup> We will explain this in the next *seif*.



- According to **Rashi** *kavat* means that there are thorns growing out of the *shedra*.
- **Tosefos** brings from the **Aruch** that *kavat* means it is shriveled.

L'halacha

The **Mechaber** brings both explanations.

It is common to find a *lulav* that ends in a zigzag on the very top. Although *m'ikar badin* this is kosher where possible one should get a different *lulav*.

## Bent

Regarding bent like a sickle the *Gemora* says.

Rava said, this is not said (that it is *passul*) only (if it is bent) forward. However (if it is bent) backwards this is the way it grows (and it is *kosher*).

Rav Nachman said (if it is bent) to the sides it is like (it is bent) to the front (and it is *passul*). Others say (if it is bent to the sides) it is like it is bent backwards (and it is *kosher*).

**Rashi** explains that bent backwards means it is bent towards the *shedra*. This means that if you hold the *lulav* with the green side facing you the top of the *lulav* will be bent towards you, such a *lulav* is kosher. *Rashi* explains bent forwards means opposite the *shedra* (away from you, towards the side that has the brown *kora*) such a *lulav* is *passul*.

The **Rif** and **Rosh** say that since there is a *machlokes* what the *din* is if it is bent to the sides we are *machmir* that it is *passul*.

The **Bais Yosef** says that it is slightly bent it is kosher.

L'ma'aseh

Even though a *lulav* bent towards you is kosher, the **Sha'ari Tshuva** brings from the **Machzik Bracha** that *l'chatchila* the *lulav* should not be bent at all. The straighter the *lulav* is the more *badar* it is.

## Kafuf

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S I M O N

6 4 5 : 9

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The source for this *din* is the *gemora* above.

There is a *machlokes* which part of the *lulav* the *gemora* is referring to.

- The **Ran** says it is referring to the upper leaf.
- The **Rosh** says that it is referring to the *shedra*. He adds that he prefers a *lulav* that's upper leaf is bent because the leaves will not split.

L'halacha

The **Mechaber** is *posek* like the *Rosh*. The **Mishna Brura** (42) says that there are those that are *machmir* like the *Ran* but the *minhag* is to be *maikel*. The **Sha'ari Tshuva** brings those that are *machmir*.

The **Magen Avraham** (8) brings from the **Levush** that if most of the leaves are bent over even a small amount it is *passul*. The **Taz** (10) argues that even if most of the leaves are bent at the top it is kosher. The **Mishna Brura** (40) is *posek* that where there is another one that most of the leaves are not bent one should not use one that most of the leaves are bent.

## Review Questions

1. When is a *Har Habarzel lulav* kosher and when is it *passul*?
2. To which part of the *lulav* does dried out refer to?
3. What amount it called dried out?
4. What does cut at the top refer to?
5. How much is called cut?
6. Which part of the *lulav* does not fall into the category of נקטם ראשו?
7. What is a *hemek*?
8. What does *kavat* mean?
9. In which way is a bent *lulav* kosher?
10. What does כפוף refer to?