

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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The Nature of the Seven-Day Mitzva of Lulav

Although the Mishna provides an extensive list of characteristics that disqualify a lulav for use on Sukkot, it did not address the scope of these conditions. Do these situations invalidate a lulav for all seven days, or only for the first day?

The Gemara is quite clear that the ownership requirement applies only to the first day. During the remainder of Sukkot, a borrowed lulav may be used, since the Torah employed the term "*lakhem*" ("for you" - suggesting that one must own his lulav) specifically in the context of the first day - "*U-lekachtem lakhem ba-yom ha-rishon*." Undoubtedly, however, there are criteria of mitzvat lulav which apply all seven days. For example, each person must perform the mitzva and cannot rely on one public performance - "*lekicha le-kol echad ve-echad*." In addition, each and every one of the four species must be taken - "*daled minim me'akvin*." Presumably, these halakhot apply throughout *yom tov* (even though they, too, are derived from the word "*U-lekachtem*," which appears only in the context of the first day). Ultimately, a *lulav gazul* (stolen lulav) is disqualified based upon the issue of *mitzva ha-ba'a ba-aveira* (a mitzva arising from a transgression), which clearly spans the entire *yom tov*. What is unclear from the Mishna is whether the rules governing the quality of the lulav apply to all seven days of the *yom tov*.

The Gemara (*Sukka* 29b) seems to address this question immediately when it exclaims, "The Mishna stated these disqualifications categorically - as applying to both the first *yom tov* and the second *yom tov*." However, a second Gemara (*Sukka* 36b) raises serious questions about this issue. It suggests that Rabbi Chanina was allowed to use a "deficient" etrog (*etrog chasser*) during the final six days of Sukkot, since the requirement of taking a whole etrog applies only on the first day. This statement stands in direct contradiction to the earlier Gemara (29b), which explicitly disqualifies a dry lulav for all seven days.

The manner of resolving this issue is debated among the Rishonim. Tosafot (29b s.v. *ka-pasik*) claim that the two sugyot disagree. A similar position is adopted by the Ra'avad (in his *Chibbur Hilkhos Lulav*), who explains that the two gemarot debate the issue of whether the term "*rishon*" (which designates the first day as separate from the rest) qualifies the beginning of the verse ("*U-lekachtem lakhem*") or even the end of the verse ("*peri etz hadar*," etc.). By extending the term "*rishon*" to the end of the verse, we limit almost all disqualifications to the first day – the position of the Gemara on 36b. Presumably, according to the Gemara on 29b, all disqualifications would apply for the entirety of Sukkot, whereas according to the Gemara on 36b, none or very few of them would.

Elsewhere (29b s.v. *be-inyan*), Tosafot distinguish between different types of criteria. Fundamental conditions, such as the need to take all four species and the requirement that everyone take a lulav, apply throughout the holiday. The *hadar* concept (which is lacking in the case of a dry lulav) also is necessary during the entire holiday. Secondary issues – such as the need to take a complete etrog - do not apply during the remainder of Sukkot, since after the first day the entire mitzva is only *de-rabbanan* in origin. The Rabbis who enacted this law did not require or were not concerned with secondary issues, and only incorporated primary ones as part of their mitzva. Namely, the *yom tov sheni* leniency cited in the Gemara on 36b applies to the latter days of Yom Tov OUTSIDE THE BEIT HAMIKDASH - where the mitzva only applies *mi-derabbanan*. Rashi (36b s.v. *Le-Rabbi Chanina*) explains the contradiction in a similar manner.

The position of Tosafot – distinguishing between fundamental issues and secondary ones - is quite logical. It is clear that the amount of *minim* (four and no less) is crucial and should apply equally to all seven days. What is less clear is Tosafot's view of "*chasser*" (an incomplete etrog). Why did the Rabbanan not require a complete etrog all seven days? Presumably, the integrity of the etrog is elementary, and we would thus expect Chazal to require a complete etrog throughout the seven days. The Ran (13b in the pages of the Rif) suggests one approach when he claims that an *etrog chasser* is invalid because it lacks the quality of *hadar*. Since the remainder of the etrog can provide the *hadar* component, the deficiency is not so severe and can be overlooked during the days in which the mitzva only applies *mi-derabbanan*. By contrast, the complete absence of *hadar* – namely, *yavesh* (dried out) - is insurmountable even during the final days of the mitzva.

The Rav zt"l proposed a different approach, by which an *etrog chasser* is invalid because the execution of the mitzva suffers. Instead of viewing the incompleteness as an inherent problem with the item itself, Tosafot might have viewed the deficiency as ruining the completeness of the *lekicha* - the act of taking the four species. (See, for instance, the Gemara on 34b which disqualifies the taking of fewer than four *minim* because it undermines the integrity of "*lekicha tama*" - a "complete taking.") Flaws in the item itself cannot be ignored during the final "*de-rabbanan*" days of the mitzva, but factors which prevent a complete execution of the act of the mitzva (a *pesul* in the *ma'aseh mitzva*) can be overlooked during these final days.

The Ramban, too, in his *Chibbur Lulav*, believes that leniencies may only apply during the final six days, during which the mitzva is only *de-rabbanan*. He, however, believes that the Gemara which did not tolerate leniencies even after the first day referred to the Temple, where the mitzva is of biblical authority all seven days. In this context, absolutely no leniencies are allowed. The Gemara (36b) which tolerated leniencies refers to everywhere outside the Temple, where the mitzva applies only *mi-derabbanan* after the first day, and hence leniencies are allowed. As opposed to Tosafot, who distinguished between different types of leniencies, the Ramban differentiated between different locations during the final six days of Sukkot.

We have examined several positions regarding lulav requirements which may be relaxed as the mitzva *de-rabbanan* replaces the mitzva *de-oraita*. According to all positions, however, all the lulav requirements apply during the duration of the *mitzva de-oraita*. Namely, within the Temple – where the mitzva *de-oraita* extends all seven days – no leniencies are tolerated. When the Gemara (36b) allowed leniencies on *yom tov sheni*, it referred to the final days outside the Temple, where the mitzva is only *de-rabbanan*.

The Rambam, however, adopts a novel position. In *Hilkhos Lulav* (8:9), he claims that MOST disqualifications are suspended during the final six days - presumably even within the *Mikdash* (Temple), where the mitzva remains *de-oraita* throughout Sukkot. Evidently, the Rambam distinguished between different levels within the mitzva *de-oraita*. Rav Moshe Soloveitchik explained that the mitzva in the *Mikdash* is of a very different sort than the basic/universal mitzva. When describing the basic mitzva, the Torah employs

the term "*lekicha*," taking, while it presents the concept of *simcha* (joy) when describing the extended mitzva of the *Mikdash*. According to the Rambam, the seven-day requirement in the *Mikdash* is really a mitzva to create joy; the four species are merely the media to generate this experience. Indeed, the *Yerushalmi* (*Sukka* 3:11) actually suggests that the concept of "*simchat lulav*" constitutes the primary fulfillment of *simchat Yom Tov*. It should also be noted that in addition to the standard mitzva of *simchat Yom Tov*, Sukkot enjoys a special and heightened mitzva of *simcha* (see especially Rambam, *Hilkhos Lulav* 8:12-13). Independent support for this explanation of the Rambam can be drawn from his own formulation in his *Sefer Ha-mitzvot* (*mitzvat aseil* #169), where he describes the mitzva as "taking the lulav and CELEBRATING." This perspective - according to Rav Moshe - accounts for the Rambam's relaxing the standards of lulav even during the period of the mitzva *de-oraita*.

An interesting question might be posed within the structure suggested by Rav Moshe in the Rambam. What relationship, if any, exists between the original mitzva of *lekicha* and the *Mikdash*-based mitzva of *simcha*? Presumably, within the *Mikdash* itself the two *mitzvot* can overlap or coincide. By picking up the four species in the *Mikdash*, one has fulfilled both *lekicha* as well as *simcha*. What would happen, however, if someone took the four species at home and subsequently traveled to the *Mikdash*? Would he have to take the four species a second time in order to fulfill his mitzva of *simcha*? This question is posed by the Chatam Sofer, who addresses the dynamic BETWEEN these two proposed types of the mitzva.

NOTE: This shiur is based on an article in *Kovetz Chiddushei Torah*, a compendium of articles by Rav Moshe Soloveitchik and the Rav.