

Substitute Species

On the first day of Succos we are commanded by the Torah to take the four species mentioned in Parshas Emor (*Vayikra* 23:40). The Sages decreed, after the destruction of the *Beis Hamikdash*, that we take these species all seven days of Succos in order to have a reminder of the *Beis Hamikdash* where the four species were taken all seven days by Torah Law. They also instituted a blessing to be made before performing this mitzvah, just as they did for almost all *mitzvos*.

What happens when a Jew cannot get hold of all four species? Two sources in the *gemara* serve as the background for the discussion of the commentaries on this subject.

The four species are interdependent, says the *mishna* (*Menachos* 27a), meaning that one cannot fulfill the mitzvah if he lacks any one of them. Regarding using another species, our *gemara* here tells us that if one cannot get hold of an *esrog* he should not substitute a pomegranate or another fruit for the purpose of not forgetting the mitzvah, because there is the danger that people may become accustomed to using that invalid species even when a valid one is available.

How about using a *dried up* species when no other one is available? The *mishnayos* throughout this *perek* state clearly that every one of the species is disqualified for use if it is dried up. Rabbi Yehuda, however, contends that this is true only if a fresher one is available, and cites as proof the fact that there was a time when city-dwellers who did not live near palm trees would hand down their *lulavim* to their heirs, despite the fact that they were dried up. The other sages reject this proof by stating that you cannot bring a proof from an extraordinary situation.

There are different approaches to understanding this *gemara*, but we shall limit ourselves to that of Rabbi Avraham ben David (*Ra'avad*) whose view is the basis for the ruling of the *Shulchan Aruch* (*Orach Chaim* 651:12,13).

When the Sages told Rabbi Yehuda that he cannot bring proof from an extraordinary situation, they did not intend to convey that in such a situation one can fulfill the mitzvah even with a dried up *lulav*; rather, that in such circumstances one should take the dried up *lulav* in order not to forget that the mitzvah exists. Similarly, if one has a *lulav* but no *esrog*, he should take whatever species he does have as a way of remembering the mitzvah. In both cases he cannot say a *bracha*, because in truth he is not fulfilling the mitzvah.

But why do we encourage the taking of three species if the fourth one is unavailable, or the taking of a species that is invalid because of dryness? Why are we not concerned that this may lead people to do the same in other years even though all the species are available, just as we discourage the use of a substitute for the *esrog*? The answer is that since the Torah specifically lists four species, it is unlikely that anyone will use less than that number if they are all available; nor is it likely that anyone will use a dried up *lulav* when a fresh one is available. But regarding the *esrog*, which the Torah simply describes as a "beautiful fruit," there is the danger that if we allow a substitute pomegranate instead of the missing *esrog*, people may assume that this is indeed the "beautiful fruit" which the Torah speaks of, and they will use it in the future, even when an *esrog* is available.

Succah 31a & b

A Just King and Unjustified Means

Prepared by Ohr Somayach in Jerusalem, Israel

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Issue #272 - Succah 26 - 32

For the week of 12 - 18 Iyar 5759 / 28 April - 4 May 1999 (Parshas Emor)

A stolen *lulav*, says the *mishna*, is invalid. Since no differentiation is made between the first day of Succos and the other days, when the mitzvah outside of the *Beis Hamikdash* is only of rabbinical origin, the assumption is that a stolen *lulav* is invalid even on those other days.

The disqualification on the first day is based on the term "for yourselves" which is interpreted as a requirement that on the first day the *lulav* be the property of the one using it and can neither be borrowed nor stolen. This raises the question as to why we disqualify a stolen *lulav* on the remaining days even through we do not disqualify a borrowed one.

The explanation offered by Rabbi Yochanan in the name of Rabbi Shimon bar Yochai is that it is a mitzvah object which came into his possession through a sin and is therefore not valid for fulfilling a mitzvah. "For I, Hashem, love justice and hate theft for the purpose of a sacrifice." (*Yeshayahu 61:8*) This prophetic passage is cited as a source for this concept of rejecting a mitzvah born of sin.

A parable is offered to sharpen the point: A king and his entourage passed by a station where a tax had to be paid to the royal treasury. When he instructed his servants to pay the tax, they wondered aloud why the king should pay a tax which went to his own treasury. "All my traveling subjects will learn from my example," he explained, "not to avoid paying the toll expected of them." In similar fashion Hashem says that He despises sacrifices offered from stolen animals, and that all of His children will learn from His example to avoid theft.

The comparison between the Divine King and the mortal one is that both are the ultimate owners of the resources involved. But how are the subjects of the mortal king going to draw a lesson from the king virtually taking money out of one pocket and putting it in the other, to become so moral that they are willing to pay a toll which will not return to them?

Perhaps the message of the parable is to dispel the rationalizations people use to avoid paying taxes or to indulge in other forms of dishonesty. A person can always find some lame excuse for justifying why the government doesn't deserve his tax money, or why it is proper for him to appropriate the resources of someone else. The king tried to explode this myth of rationalization by ordering his servants to pay the toll from his money even through no one had a better rationalization than he did as the ultimate beneficiary of that toll. "Dishonesty is dishonesty" is the message he wanted to bring home to his subjects, and no amount of rationalization would justify it.

What better rationalization could one have for stealing an animal than the fact that he was returning it to its ultimate Owner in the form of a sacrifice? Hashem therefore informs us that dishonesty is dishonesty, and the end does not justify the means. This is why a stolen *lulav* cannot be used to serve Hashem Who despises any theft committed for the purpose of serving Him.

Succah 29b - 30a

Prepared by Ohr Somayach in Jerusalem, Israel

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