

Withered Fronds and Vibrant Lives

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The Gemara cites a dispute between R' Yehuda and the Chachamim regarding the case of a Lulav Ha-yavesh – a desiccated lulav. The Chachamim disqualify the *lulav* for use on Sukkot, while R' Yehuda allows it to be used. In the context of this dispute, R' Yehuda relates a story, to which the Chachamim respond in a fascinating manner:

“Did we not learn in a B’raitā: The four species of the Lulav, as there must not be less, so nothing shall be added to them. If one did not find a citron, he cannot replace it with a lemon or a pomegranate, or anything else; and if they are withered they are valid, but if dried, then invalid. R. Yehudah, however, said: Even when dry, they are valid. And he also said: The inhabitants of great cities (B’nei Krachin) used to transmit their Lulavs to their grandchildren. And they answered him: “Times of emergencies cannot be used as proof.”

Sukka 31a

והתניא: ארבעת מינין שבלולב, כשם שאין פוחתין מהן - כך אין מוסיפין עליהן. לא מצא אתרוג לא יביא לא פריש ולא רמון ולא דבר אחר. כמושין - כשרין, יבשין - פסולין. רבי יהודה אומר: אף יבשין. ואמר רבי יהודה: מעשה בבני כרכין שהיו מורישין את לולביהן לבני בניהן. אמרו (להם) [לו] משם ראייה? אין שעת הדחק ראייה. סוכה דף לא.

Can One Fulfill His Obligation with a Lulav haYavesh?

The Chachamim’s response can be interpreted in two, fundamentally different ways. The Rabad (of Posquieres), both in his lengthy exposition on Hilchot Arba Minim (in his Responsa, section 6), as well as in his glosses on the Rambam (Sukka 8:1), takes the Chachamim’s response to mean as follows: in fact, the B’nei Krachin did not make a blessing on taking this lulav since it was unfit for use (according to the Chachamim); they took the lulav hayavesh just so that they wouldn’t forget the mitzvah of lulav! On the other hand, many Rishonim dispute this understanding, and take the Chachamim to mean that indeed the B’nei Krachin took the lulav hayavesh to fulfill their obligation and therefore made a bracha. The normative implication would be that in any sha’at had’chak (lit. narrow time, i.e. when no moist lulav is available), one can take a lulav hayavesh and make a blessing.

The Rabad explains his position in the following way²⁹:

²⁹ In his glosses on the Mishne Torah, there is a slightly different emphasis. “I do not say this, since the said yavesh is pasul, and pasul is always pasul even l’bdieved”. In this comment, the main motivation seems to be semantic –

Now, in the context of the foregoing, whether it is a time of emergency or not, one cannot use a dried lulav to fulfill his obligation nor can one make a blessing on it; rather, in a time of emergency, one takes such a lulav in hand, so as not to forget the mitzvah of lulav and etrog; and this is what was meant by “Times of emergencies cannot be used as proof.” In other words, they only took the lulav so as not to forget the Mitzvah of Lulav; this is how it appears to me in truth, since a dried lulav is like a dead lulav, and as if it has no magnitude and as if non-existent; **and how could it be that in a time of emergency, one can use such a lulav to fulfill his obligation, and one can recite a blessing even l’chatchila, and in a time when there is no emergency, even l’bdieied he does not fulfill his obligation with such a lulav?**

Rabad Teshuvot and Psakim #6

עתה לפי הענין בין במקום הדחק בין שלא במקום הדחק אין יוצאין ביבש כלל ואין מברכין, אלא שנוטלין אותן בידיהן במקום הדחק כדי שלא תשכח מהן תורת לולב ואתרוג, וזהו שאמרו אין שעת הדחק ראייה כלומר שלא עשו כן אלא כדי שלא תשכח מהן תורת לולב, כך נ"ל באמת כי היבש כמת הוא וכמו שנכתת שיעורו ואיננו, ואיך יתכן זה להיות שבמקום הדחק יוצאין בו ומברכין עליו לכתחלה ושללא במקום הדחק אפילו דיעבד לא יצא רב"ד תשובות ופסקים סימן ו

The Rabad points out that we never find that an object is disqualified for use even l’bdieied, and yet one can use that object in sha’at hadechak³⁰. We often find that an object is unfit l’chatchila, but considered fit l’bdieied, and in such cases, the poskim will invoke the principle that *kol sha’at hadechak kb’dieied dami* – which would mean that in a sha’at hadechak, one could use that object (even l’chatchila). However, as the Rabad notes, the case of lulav hayavesh is different. In the case of lulav hayavesh, under non-extenuating circumstances, someone who took a lulav hayavesh would not fulfill his obligation even l’bdieied; thus, as the Rabad points out, there seems to be no precedent to allow its usage (with a blessing) in a sha’at hadechak³¹.

that is, the Mishna and Gemara will never use the word ‘pasul’ if they mean to permit the use of that object in some case or another. However, it is clear from the comment he makes in his Chibur Hilchot Lulav that he (also) has a much more fundamental motivation for his position.

³⁰ The only exception to this rule would be a case where a minority opinion, which was not accepted as halacha, allows such an object to be used. Since we are allowed to rely on a minority opinion in a sha’at hadechak, we would be permitted to use such an object in a sha’at hadechak. However, as is implicit in the Rishonim here, this cannot be the basis of the Chachamim, since they were the disputants of R’ Yehuda, and the disputants themselves cannot rely on their minority opponents. However, see Hagahot Oshri who does seem to explain the Chachamim this way, but the sources of the Hagahot Oshri (Or Zarua, Raavya) clearly viewed this consideration as relevant only to us, not to the Chachamim themselves.

³¹ One might object that we find many times in Halacha that some situation presents an *isur* even l’bdieied, but in a tzorech gadol, or hefseid gadol, or sha’at hadechak, it is permitted. Examples abound in hilchot taarovot of food that is ne’esar (l’bdieied) in the course of some event, but its consumption is permitted b’sha’at hadechak. However, while these are superficially similar, it seems to me that they are incomparable. In that case, “l’bdieied” refers to the point in time after one has created such a situation, but still prior to having engaged in the “questionable” maaseh isur. It may very well be that in every such case (where we permit its consumption b’sha’at hadechak), were a person to consume the food when it was not a sha’at hadechak, we would not view him *ex post facto* as having violated an isur. In the case of lulav hayavesh on the other hand, the ruling is that, in a non-sha’at hadechak, even after one engaged in the “questionable” maaseh hamitzvah, he is not viewed as having fulfilled the mitzvah.

What Distinguishes Sha'at Hadechak from B'dieved?

The Rabad's question is indeed a powerful one. This led to several attempts, on the part of those who argued with the Rabad, to close, or at least reduce, the conceptual gap between our halacha of lulav hayavesh, and what we find elsewhere.

- (1) The Chacham Tzvi (9) argues that the Chachamim permitted one to take a lulav hayavesh with a blessing, even on the first day of Sukkot (when the obligation is Biblical even outside the Mikdash), because such a lulav could be used to fulfill one's Rabbinic obligation that applies for the rest of Sukkot³². Where one cannot fulfill his Biblical obligation, the first day is like all other days, when a lulav hayavesh is Rabbinically acceptable³³. According to this explanation, sha'at hadechak is not directly serving as the basis of the (re)qualification of the lulav hayavesh; rather, it simply serves as the background to why one would be performing the Rabbinic obligation on the first day.

The most serious difficulty with this explanation is that there are several Rishonim who are of the opinion that a lulav hayavesh is pasul all seven days of Sukkot and still maintain, *contra* Rabad, that a blessing can be made on a lulav hayavesh³⁴.

- (2) The Ritva (Sukka 14b) says that the Chachamim allow one to make a blessing on any pesul that is *d'raban*, because the Sages chose to waive their own pesul if it would entail the non-observance of the mitzvah of lulav for that year³⁵. In this way, the Ritva seeks to minimize the uniqueness of this halacha in our case. However, this approach is quite difficult, as the Ritva simply assumes, without adducing any evidence, that the pesul of lulav hayavesh is

³² This is a matter of dispute; see further on. What is especially relevant is that the Rabad himself holds that a lulav hayavesh is pasul all seven days, and the Chacham Tzvi suggests that this is the entire point of contention between the Rabad and the other Rishonim; that is, everyone agrees that those objects which could be used to fulfill one's Rabbinic obligation, could in turn be used on the first day in a sha'at hadechak – the whole dispute boils down to the question of whether a lulav hayavesh is kosher or pasul for the purposes of fulfilling one's Rabbinic obligation. This would have the far-reaching consequence that even the Rabad would agree regarding other pesulim, such as pesule hadar, that one could use them (even on the first day) b'sha'at hadechak, since the Rabad is of the opinion that "pesule Hadar" do not apply to the Rabbinic obligation. [Incidentally, one could arrive at a similar conclusion for an entirely different reason, and that is to suggest that the Rabad limited his psak to Yavesh because he held, based on the Yerushalmi, that a lulav hayavesh is "as good as dead" and "as if nonexistent". I wrote "similar conclusion" rather than "identical conclusion" because this reason would limit the Rabad even further than the first – according to this reason, any other pesul, even those that apply all seven days of Sukkot, such as Mitzvah Haba'a B'avera, could be used b'sha'at hadechak. The Chacham Tzvi cites this second reason as well, but does not distinguish it clearly from the first.] However, the Chacham Tzvi himself notes that this seems inconsistent with the Rabad's own sweeping remarks about what the word 'pasul' implies, etc.

³³ This would seem to be the major thrust of the responsum. However, at one point, the Chacham Tzvi writes "*Shelo Yehe Yom Rishon Kal Mishear Yamim*" "that the first day should not be more lenient than the other days" - this may imply that there is a Rabbinic obligation independent of the Rabbinic obligation of *zecher l'mikdash*, that takes effect when one cannot fulfill the Biblical obligation, so as not to make the first day more lenient than the rest. However, it seems to me that the Chacham Tzvi is more plausible if he is understood in light of the responsum as a whole, which, as I said, seems to imply that the obligation on the first day would simply be identical to the Rabbinic obligation regarding the rest of the days.

³⁴ See for example the Rosh, Sukka Chapter 3, Simanim 3 and 14.

³⁵ The Sefer Hashlama similarly infers from the Chachamim's response that pesule hadar for *lulav* are only *d'raban*.

d'rabanan. This seems to be quite problematic, as the Gemara derives the pesul of lulav hayavesh from its assumption that the requirement expressed by the words in the verse, 'peri etz hadar', applies to all four species³⁶. There is no hint of it being d'rabanan³⁷.

- (3) An explanation which is hinted at in the Rosh (Sukka 3:14), and fully developed in the Or Sameach, is that with regard to *pesule hadar*, i.e., those pesulim that are due to a failure to meet the requisite standard of beauty, the definition of 'hadar', is relative. In his words:

The Rosh wrote (Siman 14) ... all these pesulim were given over by the Torah to the Chachamim, and they said that in regular times, one does not fulfill his obligation even ex post facto, so that the People of Israel will be scrupulous regarding mitzvah, but in a time of emergency, they validated [such a lulav]; and in truth, his words are sensible, because the issue of beauty is relative, and when there is a more beautiful one, then it is not considered beautiful, but when there is not, that is itself beautiful...

Or Sameach Hilchot Lulav 8:1

הרא"ש כתב (סוכה פ"ג) בסימן י"ד אבל מודו רבנן דבשעת הדחק מברכין כו', אלא כל הני פסולי מסרו הכתוב לחכמים, והם אמרו שלא בשעת הדחק אפילו דיעבד לא יצא, כדי שיזהרו ישראל במצות, אבל במקום הדחק הכשירוהו כו', ובאמת דבריו מסתברים, דגוף הענין של הדר אינו רק הסכמי, ובמקום שיש מהודרים אז אינו הדר, ובמקום שאין אחר הוא הדר ...
אור שמח הלכות לולב פרק ח

That is, in the absence of a lulav/etrog that meets the usual standard of being *hadar*, the lulav/etrog that one does have is considered hadar. This would have very interesting consequences. The Or Sameach points out the following two consequences:

- (a) If one used a lulav hayavesh due to a sha'at hadechak, then even if one were to later (the same day) obtain a perfectly good lulav, he would be under no obligation to perform the mitzvah again, because the first lulav he used was in fact hadar.
- (b) If one is in a situation where he has no lulav that meets the standard requirements of *hadar*, and he has two lulavim, one worse than the other, then he would be obligated to take the more beautiful one, because only that one would qualify as hadar. Presumably, if one took the worse one, he would not fulfill his obligation even l'bdieved, despite the fact that it he is in a sha'at hadechak.

The Or Sameach does not address the following point, but I think one could argue that it too would be a consequence of his explanation:

- (c) If one were in a situation in which a perfectly good lulav was present, but not available for use, then one would not be permitted to use a lulav hayavesh (with a bracha) since the lulav hayavesh in neither absolutely nor relatively beautiful³⁸.

³⁶ However, see Rashi on 29b. The Meiri (Sukka 31b) asks precisely this question and therefore argues with the position of the Sefer Hashlama and Ritva.

³⁷ Furthermore, the Ritva himself, in the beginning of Lulav Hagazul, states explicitly that the pesul of lulav hayavesh is based on 'hadar' and is mid'oraisa!

³⁸ One could argue that accessibility/availability is a factor in determining whether it is even considered present, and thus in this case, the lulav hayavesh would indeed be considered hadar (since the other lulav is not present), but I find this very difficult. What I would grant is that according to the variation on the Or Sameach that we will see in R' Moshe Feinstein (footnote 44), the subject's ability to make use of a better lulav is the determining factor, rather

Etrog is not Kosher in a Sha'at Hadechak

In any case, it would seem that this explanation is not universally accepted as the basis of the position that you can make a blessing on a lulav hayavesh (even excluding the aforementioned Chacham Tzvi and Ritva). This can be seen when we turn to two issues of scope: To which of the four species does the allowance to make a blessing in a sha'at hadechak apply? And to which pesulim does the allowance apply?

The Rambam writes as follows:

And in a time of emergency or a time of great danger, a dried lulav is valid, but not the other species.

Rambam Hilchot Lulav 8:1

ובשעת הדחק או בשעת הסכנה לולב היבש
כשר אבל לא שאר המינין
רמב"ם הלכות לולב ח:א

The Rambam circumscribes the allowance given in a sha'at hadechak by saying that it applies to lulav, and lulav only³⁹. The Bach explains that lulav is (physically) unique because even if it is desiccated, it is still somewhat *hadar*, whereas the other species are such that if they are dried out, they are no longer *hadar* at all. Thus, the other species can in no situation be considered *hadar* if they are desiccated, but a lulav can be considered *hadar*, in a situation when no moist lulav is available. However, the Rambam might mean something entirely different. It is possible that he is specifically excluding *etrog* (whereas *hadasim* and *aravot* would also be kosher in a sha'at hadechak), and the reason would be as follows⁴⁰: if we assume that the attribute of *hadar* is essential to an *etrog's* being an *etrog*, such that if an *etrog* is not *hadar*, it is not an *etrog* at all⁴¹ – it would have the same halachic status (for the purpose of four species) as a lemon; whereas, beauty is not essential to a lulav/hadas/arava, such that a lulav (or hadas or arava) that is not

than the objective (although relative) beauty of the lulav; therefore, in this case, he would be able to use the lulav hayavesh and make a blessing on it.

³⁹ The Meiri (ibid.) seemingly understands that the Rambam means that one takes the lulav hayavesh, but without a bracha, in order to not forget the mitzvah. Based on this, the difference between lulav and other species is how much we have to be concerned for the possibility that people will then begin to believe that the pesul is not really a pesul, and they will use the pasul object even when a kosher one is available. Thus, a lulav, which is not visibly dried out, would not lead people to deduce anything regarding the pesul of yavesh. However, this is a very difficult interpretation, given that the Rambam says that it is kosher, and clearly the Rabad did not understand the Rambam that way.

⁴⁰ The Sefer Hashlama (footnote 36) arrives at the same conclusion but for a different reason; he says that the pesul of *hadar* is Biblical regarding *etrog*, but not regarding the other species.

⁴¹ The Ramban (Vayikra 23:40, and in his glosses on the Rabad's Chibur Hilchot Lulav) writes that 'peri etz hadar' is the *name* of the species that we refer to as *etrog*. In his commentary on the Torah, he can be understood as saying that the name picks out that species (because that species is generally quite beautiful and has the attributes of *hadar*), but this would not entail that those attributes are necessary for a particular *etrog* to be a member of the *etrog* species – a certain botanical relationship would be sufficient. However, in his glosses on the Rabad's Chibur Hilchot Lulav, it is clear that he believes that the attributes are indeed essential, as he employs the claim that 'hadar' is part of the name to justify why pesule hadar are pasul all seven days (in the Mikdash). However, the Ramban "overshoots" for our purposes, since he seems to imply that the attributes of *hadar* are essential regarding all the species. However, the Meiri (in his lengthy response to the Ramban's glosses on the Rabad, in his Magen Avot) points out that this is quite difficult, and if we are going to say that the attributes of *hadar* are essential, they will only be so regarding *etrog* (pg. 109-110).

hadar is still a lulav (albeit a lulav pasul); then we can argue that the Torah was willing to waive a *pesul* in a sha'at hadechak, i.e. the *pesul* of lack of hadar by lulav, but it was not willing to allow one to use a lemon instead of an etrog, i.e. the *pesul* of lack of hadar by etrog⁴²! This explanation finds support from the Ritva's language:

It would seem to me that only with regard to cases where they are invalidated because they are not hadar, in an emergency situation we chose not to be particular about that, but any pesul which is because of a lack of requisite size, such that it no longer has its original name [we cannot forego that requirement]... and even with regard to the pesul of yavesh, we only forego the requirement with regard to lulav, hadas, and arava where the word 'hadar' does not appear explicitly, rather it is learned from etrog, but with regard to etrog, where the Torah says explicitly that it should be 'hadar', the Torah demonstrated that it was insistent upon being hadar, and as such, one cannot use such an etrog even in an emergency situation.

Ritva Sukka 31b

ונראה לי דוקא (ד) כל שפסול
שלהם לפי שאינו הדר דבשעת
הדחק לא קפדינן ביה אבל כל
שפסולו מגופו מפני מיעוט
שיעורו שאין שמו עליו... וביבש
נמי דוקא בלולב והדס וערבה
דלא כתיב בהו הדר בפירוש אלא
דגמרי ליה מאתרוג, אבל באתרוג
דכתיב ביה הדר בפירוש הא קפיד
ביה קרא וכל שאינו הדר אין
יוצאין בו ואפילו בשעת הדחק
ריטב"א סוכה לא:

However, if this is the explanation of the halacha, it would be very difficult to maintain that the “relativity of hadar” plays any role. After all, if in the absence of anything better, the object is considered hadar, then why should it matter how essential the attribute is? It might be an essential attribute, but this etrog is hadar! Thus, it would seem that in fact the lulav hayavesh is not considered hadar; the Torah simply waived *pesulim* in a sha'at hadechak, but would not forgo the requirement for using the correct species⁴³.

Other Pesulim are also Kosher in a Sha'at Hadechak

A further confirmation that there are opinions that hold that the “relativity of hadar” is not the explanation of the Chachamim, or at least not the entire explanation, comes from a discussion regarding which *pesulim* the allowance applies to. Obviously, the “relativity of hadar” would only explain why *pesule* hadar are kosher in a sha'at hadechak, not *pesulim* of other types. It is

⁴² Several Rishonim explicitly make the last point (that if the object no longer even qualifies as the proper species, then it cannot be used besha'at hadechak), including the Ritva that we will now cite.

⁴³ However, there is an interesting variation on the Or Sameach that one could square with our distinction between etrog and other species. This variation is suggested by Rav Moshe Feinstein (1:187); he explains the position of those who argue with the Rabad as follows: hadar would be relative if it is an application of the general principle of beautifying mitzvot, of “Ze Keli V'anvehu” – Hitnaeh Lefanav B'mitzvot (Shabat 130a), and this requirement is transmuted, by 'hadar' to be absolutely necessary regarding the four species. According to Rav Moshe, the requirement of beautifying mitzvot would be satisfied by “doing the best one can”; if nothing else is available, then this is considered to be a fulfillment of beautifying mitzvot. According to Rav Moshe's explanation, it could very well be that neither the *lulav hayavesh* nor the *etrog hayavesh* are considered hadar; but this is only insurmountable regarding *etrog*, where hadar is part of the definition of the species. However, regarding lulav, 'hadar' simply transmutes the requirement of beautifying mitzvot to be absolutely necessary, and in a sha'at hadechak, then even by using a lulav hayavesh one fulfills the requirement of beautifying mitzvot.

true that a good number of Rishonim make explicit mention of pesule hadar (and nothing else) when discussing the Chachamim's position⁴⁴. However, this is not true of all Rishonim. For example, the Shibolei Haleket (349) makes no mention of Pesule Hadar, and mentions that an etrog missing a piece can be kosher in sha'at hadechak. Whether a missing piece is an extension of hadar is a dispute in the Rishonim⁴⁵. More strikingly, we find several shitot who are of the opinion that even if the object is not the requisite size, it is still kosher (and one can make a blessing) b'sha'at hadechak! R' Yeshaya d'Trani (the Rid) was asked in a responsum (114) whether one can use a lulav that is only three t'fachim tall, rather than the required four t'fachim, in a case where no other lulav is available. He answers that one can use such a lulav and make a blessing. One could claim that the Rid only meant this in the particular case of a lulav that is at least three t'fachim tall, since the Mishna in Sukka says that the extra tefach (the fourth tefach) is so that one can do na'anui, and thus perhaps we can forgo that tefach in a sha'at hadechak⁴⁶. However, none other than the Or Sameach himself says explicitly that in all minim and all shiurim, we forgo the requirement for the appropriate size in a sha'at hadechak!

It would seem to me that not only pesule hadar, with regard to which the Rosh argued that the Torah gave the definition to the Chachamim, and if there is no other, this is hadar, [and is valid in a time of emergency]... but also those objects that are invalidated because they are not the requisite size, a requirement that stems from lekicha tama, even those can be used in a time of emergency.

Or Sameach Hilchot Lulav ch. 8

ולדעתי נראה, דלא מיבעי פסולי הדר שכתב רבינו אשר (רא"ש סוכה פ"ג סימן י"ד) דהתורה מסרה אותן לחכמים, ואם אין כאן אחר איהו הוי הדר ... אלא דגם פסולין מחמת חסרון השיעור, דנגעו בה משום ולקחתם לקיחה תמה, אפילו הכי בשעת הדחק שאין להשיג אחר נוטלין אותן
אור שמח הלכות לולב פרק ח

Thus, it is clear that the Or Sameach thinks that the Chachamim are not only based on the "relativity of hadar"; again, the Torah seems to have simply waived certain requirements of arba minim in a sha'at hadechak.

If the fact that the pesulim of the four species are waived in a sha'at hadechak cannot be explained based on some other, more basic, halachot within the mitzvah of arba minim (such as a mitzvah d'rabanan that would apply on the first day, or the "relativity of hadar"), then it would indeed seem to be a brute fact that the allowance of pesulim in a sha'at hadechak is unique to the mitzvah of the four species. However, can we give any rationale as to why the Torah would have

⁴⁴ Ritva cited before, Raavya (2:697), Or Zarua (2:306).

⁴⁵ See Tosfos 29b and Rosh 3:3, who assume that a missing piece is not an instance of pesulei hadar, whereas the Ramban and Rabad implicitly assume that a missing piece is based on Hadar.

⁴⁶ This is the claim of the Binyan Tzion (Siman 33). Whether this undermines the proof from the Rid (that we extend the allowance beyond pesule hadar) depends on the justification for distinguishing between the fourth tefach and the other tefachim. The Binyan Tzion's argument is that the extra tefach is only required mid'rabanan. If this is so, this indeed makes the Rid far less significant. However, I would suggest that even if the Rid is limited to the extra tefach, it is not because the extra tefach is mid'rabanan; rather, it is because the fourth tefach doesn't play a role in defining the lulav as a lulav; its role is to serve a certain function, and that means a lulav that can't fulfill its ideal function (of na'anui) is pasul – but it is still a lulav! Thus, the Rid would still be waiving a pesul d'oraita that has nothing to do with hadar; he would just be unwilling to waive the requirement to have a lulav!

waived these pesulim in a sha'at hadechak, whereas in other mitzvot the Torah did not do this⁴⁷?

Sha'at Hadechak as a Simile for Humankind's Existential Inadequacy

I would suggest, perhaps *al derech haderush*, that the halacha of sha'at hadechak is critically important in understanding the mitzvah of lulav and etrog, particularly as it integrates into the Yamim Noraim.

We learned in a B'raita: For two and a half years, Bet Shammai and Bet Hillel has a dispute; one side said that it would have been better for man had he not been created than that he was created; and the other side said that it was better for man that he was created than that he would not have been created; they convened and ruled that it would have been better for man had he not been created than that he was created, however, now that he has been created, he should examine his deeds, and there are those that say he should consider the actions he is about to engage in.

Eruvin 13b

תנו רבנן: שתי שנים ומחצה
נחלקו בית שמאי ובית הלל,
הללו אומרים: נוח לו לאדם
שלא נברא יותר משנברא,
והללו אומרים: נוח לו לאדם
שנברא יותר משלא נברא. נמנו
וגמרו: נוח לו לאדם שלא נברא
יותר משנברא, עכשיו שנברא -
יפשפש במעשיו. ואמרי לה:
ימשמש במעשיו
ערובין יג:

The conclusion of the Gemara is startling! If taken as a serious evaluative claim, this would seem to border on the blasphemous. Could we really claim that, as a matter of fact, Hashem should not have created us? Perhaps it should be taken instead as an expression of the despair that periodically visits every human being as he ponders his own existence in front of Hashem. As Ecclesiastes tells us, "There is no righteous man on this earth who does only good, and does not sin". Everyone falters and fails to meet certain expectations. In such a condition, a religiously sensitive individual is bound to feel, at least at times, that he would have been better off had he not tried. But of course, we have no choice in the matter – "al Korchach Ata Nolah," "you are born against your will" (Mishna Avot 4:22). Given our predicament, it would seem that the Gemara's response is the only one – be mefashfesh (or memashmesh) b'maasecha. Do the best you can; try to correct what you've done wrong and avoid all pitfalls. But you still know full well that you will never measure up. We are in an existential sha'at hadechak, and it seems that everything we do is only l'bdieved. However, is that the only response we can give?

We can look to Yamim Noraim for an answer. They seem to follow the pattern of life as described by the the Gemara in Eruvin. We commemorate our birth, the birth that was "coerced", on Rosh Hashana; and immediately, we are judged⁴⁸. We cannot claim to have met

⁴⁷ I am not asking how Chazal knew that the Torah waived these pesulim (assuming the local considerations are not responsible for the uniqueness), although that is also a very interesting question.

⁴⁸ The themes of our (annual) rebirth on Rosh Hashana and Rosh Hashana as Yom Hadin, as well as the relationship between these two themes, are elaborated upon in the Pesikta de-Rav Kehana (Piska 23). A careful reading of that Piska reveals different conception of the relationship between the themes, and my suggestion aligns more closely with the beginning of the Piska in this regard.

Hashem's expectations. What then can we do, other than be mefashfesh b'ma'aseinu – we therefore engage in tshuva during the ten days of repentance, and this process culminates on Yom Kippur. However, on the heels of Yom Kippur comes the holiday of sukkot, and with it, the mitzvah of Arba Minim. A message of the mitzvah of Arba Minim is that we should not feel as though we live a l'bdieved life in our avodat Hashem. Although we should periodically feel inadequate before Hashem, the message of the Arba Minim is that we can experience true, unadulterated simcha in standing before Hashem – as the verse says, “U'lkachtem Lachem Bayom Harishon ... Usmachtem Lifne Hashem Elokeichem”, “take for yourselves on the first day ... and **rejoice** before Hashem your G-d.” But how can we experience such joy, when we know deep down that our avoda does not meet the expectations? Perhaps the answer is that while we may find ourselves in an overarching sha'at hadechak (because of our inadequacy), this should not taint everything we do. Once we find ourselves in the human predicament, we are given the license to view the avodat Hashem that we do manage to engage in, as l'chatchila. Thus, it is only appropriate that regarding the mitzvah of arba minim, the Torah would recognize that in a sha'at hadechak, that which would otherwise be considered inadequate (pasul l'bdieved), can in fact be taken l'chatchila.