



## THE UNIQUE RITZUI COMPONENT OF THE MITZVAH OF LULAV

**T**he act of taking the four species on Sukkos seems no different than any other mitzvah. Much in the same way that we wear a garment containing tzitzis, we place tefillin on our arms and head or eat matzah, the mitzvah of lulav is an act that is performed on an item or items. By picking up the four species, we fulfill the mitzvah. Yet there is an aspect of the mitzvah of lulav that places it in a category only shared with a few other mitzvos. The lulav (and by extension all four species) provide *ritzui* — appeasement before Hashem. By taking the lulav, we attain a degree of *kaparah* (atonement). This

article will explore the role of *ritzui* in the mitzvah of lulav.

The Gemara quotes a dispute among the Amoraim as to whether a stolen lulav is valid on the second day of Sukkos:

אמר רבי אמי יבש פסול מפני שאין הדר גזול פסול משום דהוה ליה מצוה הבאה בעבירה ופליגא דר' יצחק דא"ר יצחק בר נחמני אמר שמואל לא שנו אלא ביום טוב ראשון אבל ביום טוב שני מתוך שיוצא בשאול יוצא נמי בגזול.

*Rebbi Ami says that a dry lulav is invalid because it is not beautiful and a stolen lulav is invalid because it is a mitzvah brought about through sin. And he disagrees with Rav Yitzchak*

*bar Nachmeni who said in the name of Shmuel that a stolen lulav is only invalid on the first day of Sukkos, but on the second day, just as one can fulfill the mitzvah with a borrowed lulav, so too, one can fulfill the mitzvah with a stolen lulav.*

**Sukkah 30a**

### Three Questions

We can ask a number of questions on this passage. First, what are Rebbi Ami (whose opinion is also that of Rav Yochanan in the name of Rabbi Shimon bar Yochai) and Rav Yitzchak bar Nachmeni in the

name of Shmuel arguing about? Why isn't Shmuel concerned about *mitzvah haba'ah ba'aveirah* (a mitzvah brought about through sin)? Second, why does Shmuel compare a stolen lulav to a borrowed lulav? Granted, there is no requirement to own our lulav on the second day, and for this reason, a borrowed lulav is valid, but a stolen lulav has the additional problem of it being stolen. Why does Shmuel even mention a borrowed lulav? Third, Tosafos, *Sukkah* 30a, s.v. *Mitoch*, suggest that the reason Shmuel permits the stolen lulav on the second day is because from the second day on, the mitzvah of lulav is only rabbinic in nature. Shmuel's opinion is that *mitzvah haba'ah ba'aveirah* doesn't apply to a rabbinic mitzvah. If that is so, however, we might ask: why does the Gemara single out lulav to teach us this rule about *mitzvah haba'ah ba'aveirah*? Why not present it regarding all rabbinic mitzvos?

As a matter of halacha, there is a dispute between the Rambam and the Ra'avad. The Rambam, *Hilchos Lulav* 8:9, follows the opinion of Rav Yitzchak bar Nachmeni in the name of Shmuel that we may use a stolen lulav on the second day. The Ra'avad there disagrees and follows Rebbi Ami. This dispute carries over to the *Shulchan Aruch*, *Orach Chaim* 649:5, where the *Mechaber* (Rav Yosef Karo) follows the Rambam's opinion and permits a stolen lulav and the Rama (Rav Moshe Isserles) invalidates it.

[Much of the following is based on the approach of Rav Betzalel Zolty, *Mishnas Yaavetz*, *Orach Chaim* 51-52.]

## Ritzui and Mitzvah Haba'ah Ba'aveirah

Perhaps the answer to these questions

emerges from a comment of the Ritva in the name of the Ba'alei Hatosafos (this comment does not appear in our version of Tosafos):

תנו רבנן סוכה גזולה כו'. ואסיקנא דפליגי בשתקף את חברו והוציאו מסוכתו דרבי אליעזר סבר קרקע אינה גזולה וסוכה שאולה היא ואין אדם יוצא בסוכה שאולה ורבנן סברי אדם יוצא בסוכה שאולה. והקשו בתוספות מ"מ כיון שתקפה מחברו הא איכא מצוה הבאה בעבירה, ותירצו דלא אמרינן מצוה הבאה בעבירה אלא בדבר שהוא בא לרצות כגון קרבן שופר ולולב וכיוצא בהם, אבל בסוכה שאין בה ריצוי ליכא משום מצוה הבאה בעבירה.

*Our rabbis taught about the status of a stolen sukkah and the conclusion is that the dispute is about a case of someone who kicked another person out of his sukkah [and sat there]. Rabbi Eliezer is of the opinion that land cannot be physically stolen and this is treated like a borrowed sukkah, but he is of the opinion that one cannot fulfill the mitzvah with a borrowed sukkah. The Chachamim are of the opinion that one can fulfill the mitzvah with a borrowed sukkah. Tosafos ask: since he obtained the sukkah by forcing the owner out of it, shouldn't his sitting in the sukkah be considered a mitzvah brought about through sin? They answered that a mitzvah brought about through sin is only a factor when it involves an item whose purpose is to appease Hashem such as a sacrifice, shofar, lulav and other similar mitzvos. However, the sukkah is not intended to appease, and therefore, the concept of mitzvah brought about through sin does not apply.*

### Ritva, Sukkah 31a

The Ba'alei Hatosafos are of the opinion that *mitzvah haba'ah ba'aveirah* only applies to mitzvos that involve *ritzui* and therefore, it applies to lulav and not sukkah. The idea that a lulav provides *ritzui* requires

further clarification. Korbanos are the paradigmatic example of *ritzui*. Shofar can be connected to korbanos in that the Gemara, *Rosh Hashanah* 26a, states "*keivan d'l'zichron hu k'lifnim dami*" — since its purpose is for remembrance, it is treated like something offered inside the inner sanctum. Why should lulav provide *ritzui*? Rav Shlomo Wahrman, *Oros Chag Hasukkos* pg. 105, notes the Gemara, *Ta'anis* 2b, that lulav provides *ritzui* for our judgment from Hashem on rain for the upcoming year.

We don't know which mitzvos the Ritva was referring to when he said "other similar mitzvos," but we do know that even sukkah, which has a special level of sanctity similar to korbanos (*chal shem Shamayim al hasukkah*), doesn't rise to the level of *ritzui*. This speaks to the uniqueness of lulav among mitzvos that provide *ritzui*.

The Ritva himself rejects the view of the Ba'alei Hatosafos. He notes a Yerushalmi that matzah is subject to *mitzvah haba'ah ba'aveirah* and since matzah doesn't provide *ritzui*, it is difficult to assume that *mitzvah haba'ah ba'aveirah* is limited to mitzvos that provide *ritzui*.

If we follow the approach of the Ba'alei Hatosafos, we can answer our three questions. First, we can understand the dispute between Rebbi Ami and Rav Yitzchak bar Nachmeni in the name of Shmuel as follows: On the first day of Sukkos, the obligation to take a lulav is a biblical mitzvah. On the other six days, the biblical mitzvah only applies in the Beis Hamikdash. When the Second Beis Hamikdash was destroyed, Rabbi Yochanan ben Zakai instituted that we take a lulav the rest of the days of Sukkos as a *zecher l'mikdash* — a remembrance of

what the mitzvah was like in the Beis Hamikdash. On the first day, there is clearly an element of *ritzui* in taking the lulav. What about the second day and beyond? If Rabbi Yochanan ben Zakai's institution was to pattern the mitzvah after the mitzvah as it was performed in the Beis Hamikdash, then just as the mitzvah in the Beis Hamikdash involved *ritzui*, so too the rabbinic institution to take the lulav the rest of Sukkos also involves *ritzui*. According to this, *mitzvah haba'ah ba'aveirah* would apply. This is the opinion of Rebbi Ami. However, if the institution was simply to perform an act that helps us remember what was done in the Beis Hamikdash, but was not patterned after the original mitzvah, then there is no element of *ritzui* and *mitzvah haba'ah ba'aveirah* is not applicable. This is the opinion of Rav Yitzchak bar Nachmeni in the name of Shmuel.

Second, we can understand why the Gemara compares a stolen lulav to a borrowed lulav. By referencing the case of a borrowed lulav, R. Yitzchak bar Nachmeni in the name of Shmuel is teaching us that the mitzvah of lulav on the second day is fundamentally different than the mitzvah on the first day. On the first day, we cannot use a borrowed lulav because the Torah says “*ul'kachtachtem lachem bayom harishon*” — you shall take **for yourselves** on the first day (Vayikra (23:40)). The requirement to own the lulav only applies on the first day of Sukkos. The rest of the days, where taking a lulav is rabbinic in nature, there is no requirement to own the lulav. The permissibility of using a borrowed lulav is the banner indicator for the fundamental difference between the mitzvah on the first day and the rest of the days. By referencing the permissibility of a borrowed

lulav, R. Yitzchak bar Nachmeni in the name of Shmuel is telling us that the mitzvah on the second day is of a different nature, and therefore, does not have the *ritzui* element to it. As such, *mitzvah haba'ah ba'aveirah* does not apply.

Third, the Ba'alei Hatosafos quoted by the Ritva follow a different approach than Tosafos on the *daf*. They don't distinguish in the broader sense between biblical and rabbinic mitzvos. If it was a broad dispute about rabbinic mitzvos, we would have to explain why the Gemara has this discussion specifically about lulav on the second day. Rather, the Ba'alei Hatosafos assume that this dispute is specifically about lulav on the second day because the dispute is about whether lulav on the second day provides *ritzui*.

### Stolen Hoshanos

This idea helps resolve an apparent contradiction in the rulings of the *Shulchan Aruch*. As noted earlier, the *Mechaber* follows the Rambam's opinion that a stolen lulav is valid on the second day of Sukkos. Yet when it comes to the *hoshanos* (aravos) that we use on Hoshanah Rabbah, he writes (654:10) that stolen *hoshanos* are problematic. The *Bikurei Yaakov* (654:24) asks: if the *Mechaber* is of the opinion that a stolen lulav is valid on the second day, why did he invalidate stolen *hoshanos*? Why should *hoshanos* (which is only a *minhag*) be stricter than lulav?

Perhaps the answer is based on the idea that we have been developing. The *Mechaber* holds that a stolen lulav is valid on the second day because he holds that *mitzvah haba'ah ba'aveirah* only applies to items that provide

*ritzui* and there is no *ritzui* in taking the lulav on the second day. However, the purpose of *hoshanos* is to provide *ritzui*. The whole Hoshanah Rabbah service is about *ritzui*. The liturgy has many Yamim Noraim overtures and we bang the *hoshanos* on the floor to engender *ritzui*. Since the *hoshanos* are supposed to provide *ritzui*, stolen *hoshanos* would not be appropriate because of *mitzvah haba'ah ba'aveirah*. When the Ritva quotes the Ba'alei Hatosafos that there are other mitzvos similar to shofar and lulav that fit this category, perhaps he meant *hoshanos* as one of those.

### Hiddur Mitzvah

Perhaps we can use this approach developed by R. Zolty to explain an otherwise difficult comment of Rashi. Rashi, *Sukkah* 29b, writes that the reason a dry lulav is invalid is because we require a *mitzvah mehuderet* (a beautiful mitzvah) as the pasuk states “*zeh Keli v'anvehu*” — this is my G-d and I will glorify Him. Tosafos, ad loc., asks two questions. First, the Gemara, *Sukkah* 31a, states that the reason a dry lulav is invalid is because the laws of lulav are connected to the laws of esrog and the Torah specifically uses the word “*hadar*” (beautiful) in reference to the esrog. This indicates that the esrog, and by extension, the lulav, must be beautiful. Why did Rashi abandon an explicit source in the Gemara for invalidating a dry lulav and instead choose a verse that is the source for a more general obligation to perform all mitzvos in a glorified (*mehudar*) fashion (see *Shabbos* 133b)?

Second, the verse “*zeh Keli v'anvehu*” applies to all mitzvos, and if we do not perform a mitzvah in a glorified manner (*hiddur mitzvah*), we still

fulfill the mitzvah. In fact, Tosafos note that tying the lulav together with the hadasim and aravos is considered *hiddur mitzvah* (according to Chachamim) and the Gemara, *Sukkah* 33a, states explicitly that if we do not tie them together, we still fulfill the mitzvah. However, a lulav that is dry is completely invalid and we do not fulfill the mitzvah at all. How then can “*zeh Keli v’anvehu*” be the source that a dry lulav is invalid?

The Meiri, ad loc., deals with the first question by noting the comment of the Talmud Yerushalmi, *Sukkah* 3:1, that the reason a dry lulav is invalid is based on the verse “*lo hameisim yehalelu Kah*” — the dead cannot praise Hashem. In other words, a “dead” dry lulav cannot be used for the mitzvah. The Meiri notes that this is the real source for invalidating a dry lulav. The Bavli’s source connecting the lulav to the esrog is only an added support for the idea that a dry lulav is invalid. To answer the second question of Tosafos, perhaps we could suggest that while a lack of *hiddur mitzvah* does not normally invalidate a mitzvah, when the mitzvah is supposed to engender *ritzui* and the item used is not *mehudar*, then we do not fulfill the mitzvah. If we use a sefer Torah that is not nice looking or tzitzis that are not nice, we can still fulfill the mitzvah because those mitzvos are not intended to engender *ritzui*. However, if we want to come closer to Hashem through a *ritzui*-oriented mitzvah, a higher standard is applied and the item must be *mehudar*. While it is true that we fulfill the mitzvah if we did not tie the hadasim and aravos to the lulav, this is because the lack of *hiddur* is in the *ma’aseh mitzvah* — how the mitzvah was performed. The higher standard for *hiddur* only applies to the *cheftza shel mitzvah* — the actual

item used to perform the mitzvah. [It is possible that the requirement of *hiddur* of this standard is limited to lulav, based on “*lo hameisim yehalelu Kah*,” and that the verse is really teaching us that because the lulav is not just being used as an ordinary mitzvah but for *ritzui* — “to praise Hashem,” we cannot use a “dead” lulav. However, we can also argue that other *ritzui*-oriented mitzvos have the same *hiddur* requirement as lulav.]

### **Kavanah for Mitzvos**

Tosafos, *Pesachim* 115a, s.v. *Maskif*, suggest that *tefillah* (prayer) and shofar require a higher level of *kavanah* (intent) than other mitzvos. Perhaps the reason is based on the concept we have been developing. We have already explained that shofar has an element of *ritzui*. *Tefillah*, which is in place of korbanos, is also a form of *ritzui*. When there is a mitzvah that involves *ritzui* it is not enough to simply be aware that we are performing the mitzvah. In order to accomplish *ritzui*, we must be actively focused on the mitzvah.

This may also explain an apparent contradiction in the rulings of the Rambam. The Rambam, *Hilchos Shofar* 2:4, rules that if we perform the mitzvah of shofar without intent to fulfill the mitzvah, we do not fulfill the mitzvah. Yet the Rambam, *Hilchos Chametz Umatzah* 6:3, rules that if we ate matzah without intent to fulfill the mitzvah, we fulfill the mitzvah. There is a lot of discussion among the achronim regarding Rambam’s position. Does he hold that mitzvos require intent or does he hold that they don’t require intent? One approach might be that the Rambam requires intent for shofar because it is a mitzvah that involves *ritzui*. Matzah,

which does not involve *ritzui*, does not require intent.

Beyond the halachic ramifications, the idea of *ritzui* is relevant in our approach to the month of Tishrei. Sukkos is not only the third leg of the Shalosh Regalim, it is the third leg of the Yamim Noraim. Sukkos is part of the growth and teshuva process in partnership with Rosh Hashanah and Yom Kippur.

There are 21 days from Rosh Hashanah through Hoshana Rabbah. Rav Baruch Simon, *Imrei Baruch*, Bamidbar (pp. 320-321) quotes from the *Ma’or Vashemesh* that these 21 days have a connection to the 21 days of mourning from Shiva Asar B’Tamuz through Tisha B’Av in that those days will one day be days of celebration. This is why we always read Parshas Pinchas — which contains a section about the holidays — during the Bein Hametzarim period. In fact, Rav Simon notes that in the yeshiva of Rav Aryeh Tzvi Fromer (The Kozheglover Rebbe), they would learn the laws of yom tov during the Bein Hametzarim period because one day, those days will be turned into a holiday. The 21 day period of Bein Hametzarim will one day be commemorated as days of *ritzui* when the sins that brought us into galus will be forgiven.

The *ritzui* that we hope for during Bein Hametzarim has its roots in the 21-day-period that it corresponds to. *Ritzui* serves as the bookends to the 21-day period from Rosh Hashanah to Hoshana Rabbah, and as such, we should focus on *ritzui* during these 21 days. This means having a greater focus during our tefillos and a strong emphasis on improving our relationship with Hashem. May we all merit to attain *ritzui* and atonement during these 21 days.