

HALOCHOSCOPE ^{TOI}

If the *Pitom* of an *Esrog* is falling off, but is still attached, may it be reinforced with glue? What if the first day of *Sukos* is *Shabbos*?

The issues:

- (A) The timing of the *Mitzvah* of *Arba Minim*
- (B) The requirements of *Hadar* and *Tamah*, beautiful and complete specimens
- (C) The *Pitom* of the *Esrog*
- (D) Using glue to reattach the *Pitom*, or to keep it from falling off totally
- (E) When the first day of *Sukos* falls on *Shabbos*

(A) The timing of the *Mitzvah* of *Arba Minim*

The Torah uses two terms to describe the time period that this *Mitzvah* applies. The *Mitzvah* is for the first day, and “before Hashem” for the seven days of *Sukos*. The Talmud explains, the *Mitzvah* applies Scripturally on the first day all over the world. In the Temple the *Mitzvah* applies on all seven days of *Sukos*.

After the destruction of the Temple, the Rabbis instituted the observance of this *Mitzvah* on all seven days of *Sukos*. This is *Zecher Lemikdash*, to commemorate what took place in the *Bais Hamikdash*. However, many leniencies apply to the latter days, including the requirements of having a perfect specimen [see next section] and those of having a personal one.

In the Diaspora, the first two days of *Sukos* are considered like the first day. The second day is added to each *Yomtov* due to the ancient system of calculating the day of *Rosh Chodesh*, the advent of the new moon. The lunar month is about twenty-nine and a half days long. Depending on what time of day or night a new moon is sighted, the Jewish month could be twenty-nine days long or thirty days. Only a *Bais Din* in the main seat of the *Sanhedrin*, the supreme panel of Rabbis, is authorized to consecrate *Rosh Chodesh*. Ideally, two witnesses must report the sighting of the new moon to the *Bais Din*. The *Sanhedrin* must convene in *Eretz Yisroel*, and its panelists must be part of an unbroken chain of ordained Rabbis going back to Moshe at Mount Sinai.

There is another system to determine the correct calendar. This is known as *Sod Ha'ibur*, and it uses formula transmitted faithfully from Mount Sinai, that

predict the path of the moon in relation to that of the sun. In this way, the location of the new moon in the vicinity of Yerushalayim can be predicted. The day and hour depend on the sun cycle. Knowledge of both, with the relevant mathematical formulae, are used to fix the calendar. [Adjustments of extra months in leap years are made, to ensure the Yomim Tovim's coinciding with the solar seasonal year. More adjustments are made, according to most authorities, to accommodate the fixing of Yom Kippur, Hoshana Raba and Pesach, on appropriate days.]

After all these calculations are made, the calendar can be fixed indefinitely. If there is difficulty using witnesses the calculating method is used. If witnesses are used, the information about the date of Rosh Chodesh must be transmitted across the world. Those who are out of the range of the Sanhedrin would not find out when Rosh Chodesh had been decided until after Yomtov. Their doubt would be whether the last month had twenty-nine days or thirty days. Accordingly, they would have to fix Yomtov on both possible days in the new month. If everyone knew that the Sod Ha'ibur was used, they could have observed the same day that was being observed in Yerushalayim, provided they were privy to the calculations.

When it became clear that the Sanhedrin would have to disband due to the interference of the gentile governments in Jewish affairs, they consecrated all future months until Moshiach by Sod Ha'ibur. Originally a secret, it was now publicized, at least to the point that we can now fix a calendar. Accordingly, we are now considered *Beki'i Bikevia Deyarcha*, well-versed in the fixing of the calendar. We need not keep two days of Yomtov due to a Scriptural doubt. However, the Rabbis were concerned that the original system might be reinstated, and the calendar will no longer be valid. At this time the doubt on the second day would return. Therefore, they instituted a Rabbinical second day of Yomtov for the Diaspora. Eretz Yisroel was in the range of the Sanhedrin and always kept one day. In the Diaspora we keep the second day, Rabbinically, as a *Minhag*, tradition, of our forefathers.

The format of the observance of the second day of Yomtov is that of the first day. Thus, though it is the second day of Sukos, it is treated as though it is the first day. *Melacha* is forbidden, with the exception of food preparation. One may not prepare for the next day. The obligations of eating in the Sukah on the first night, and of taking the Arba Minim also apply. The Poskim debate whether the Mitzvah on the second day in the diaspora is Zecher Lemikdash, or whether it has the stringencies of the Scriptural Mitzvah of the first day. [Being a Rabbinical Mitzvah due to Minhag, some stringencies would anyhow be relaxed.] Before the Temple was destroyed they already observed this day in places beyond the range of the San-

hedrin. Today we practice stringency, due to the debating opinions. Thus, Arba Minim must also belong to the person performing the Mitzvah, and not be borrowed. They must also be in as good condition as they would have to be on the first day. Since the obligation on the second day is known to really be Rabbinical, there are some leniencies, particularly in cases of doubt. The same is true of rulings that are based on one opinion in a debate between the Poskim. While the stringent opinion might have been applied for the first day, it is possible that the lenient view is taken into account on the second day. [See e.g. Eruvin 38a etc. Rosh Ha'hana 21b etc. Sanhedrin 10b-13b, Rishonim on Sukah 29b-30a 36b. Tur, Shulchan Aruch Orach Chaim 649:1 5 657:1, etc., commentaries.]

(B) *Hadar and Tamah*

The Torah calls the *Esrog* fruit of a beautiful tree, or beautiful fruit of a tree. According to one commentator, the Aramaic name *Esrog* means beautiful and desirable. Thus, the Hebrew for *Esrog* is indeed *Hadar*. Based on this, the Talmud says that beauty is an essential quality of the *Esrog*. Certain blemishes invalidate the *Esrog*. Other blemishes do not invalidate it, but make it less qualified.

The Talmud derives another rule about the quality of the *Esrog* from the terminology used by the Torah. The word *Ulekachtem*, you shall take, is broken into the two words *Lekach Tam*, or *Lekicha Tamah*, a perfect "taking." This is taken to mean that the Torah invalidates an imperfect *Esrog*.

The implication is that these two requirements are Scriptural. However, some Poskim maintain that they are Rabbinical institutions, backed up by the grammar of the Passuk. Others maintain that the Rabbis have discretion on when to apply both of these requirements, but that they are nonetheless Scriptural requirements. The main *Lekicha Tamah* imperfections that affect our case are *Nikaiv*, a hole, *Chasair*, where some of the fruit is missing, *Nisdak*, where the fruit is cracked, and a missing *Pitom*, which will be discussed in the next section.

The Talmud distinguishes between a hole all the way through the fruit and a hole that does not go through it. According to some Poskim, *Nikaiv* is a subcategory of *Chasair*. This means that the *Esrog* is not invalidated by a hole unless the hole also removes the fruit that occupied its space. Thus, a through hole must have removed the smallest amount of fruit, and a hole that does not go through must have gouged out fruit enough to fit an Issar through it. An Issar is a coin used in the times of the Talmud. Others maintain that even if no fruit was removed, but was simply pushed aside, the *Esrog* is invalid. Thus, a through hole invalidates the

Esrog no matter how small it is, and a partial hole invalidates it if it is wide, such as one made by stabbing it with a large instrument. The Poskim also debate the meaning of a through hole. Some take it at its face value, the Esrog has a hole right through it. Others say it also means that the hole pierces the skin through to the fruity part. The consensus is to assume the stringencies of all of these opinions, where applicable. However, on the second day of Yomtov in the diaspora, the Poskim invoke the lenient views. In this way they permit the use of an Esrog for the Mitzvah and the Brocha if no other Esrog in better condition is available.

The relevance to our question is twofold. First, the break in the Pitom is like a hole through it. Does a hole through the Pitom count as a through hole in the Esrog itself? The other concern is Nisdak, a crack. The Talmud compares the crack invalidating an Esrog to the crack in an trachea that causes an animal to be *Treifa*, terminally ill and not kosher to eat. This crack is lengthwise down the windpipe. A crack across the pipe is known as *Nifsak*. The main reason for the comparison is the rule that the crack does not count unless it is along the entire length. If there remains a small amount at the top and at the bottom that is not cracked, it is kosher. The Poskim ponder the ruling in a case where the bottom is intact but the top is cracked. Some Poskim maintain that on the top sloping part of the Esrog even a small crack invalidates. This is based on the view that Nisdak is based on the rule of Hadar. In that case, it is especially important that the upper part of the Esrog is unblemished. Others, however, maintain that Nisdak is based on Tamah, and that therefore there is no difference between the different parts of the Esrog.

Some Poskim maintain that a crack need not reach the top or bottom to invalidate. It need only reach more than half of the Esrog. There is also some debate on whether the crack need cover both sides to invalidate, or whether even a crack on one side is enough. According to the view that it must reach the top or bottom, or both, this would now mean the top or bottom on one side.

The crack in our case goes across the Pitom, horizontally. Assuming that the Pitom is part of the Esrog, this is Nisdak horizontally. The crack is deep enough to pose a problem. [This depth is more than half-way through the thick peel.] However, it is not cracked all the way around. The Poskim, when detailing horizontal cracks as invalidating blemishes, discuss an Esrog cracked on both sides, but not in a way that the cracks meet. They overlap, but a small vertical area between them is not cracked. This is kosher. Accordingly, our Esrog is not invalidated by Nisdak. However, those who invalidate a small crack across the top half might not validate our Esrog. Furthermore, this crack does cover the majority of the width, and, in

fact goes around the majority of the Pitom, assuming that the Pitom is always considered a part of the main body of the Esrog.

Due to the general rule of *Hidur Mitzvah*, beautifying the item used for the performance of a Mitzvah, an Esrog that is clearly not Hadar poses a problem on the latter days of Sukos as well as the first days. Hadar can be divided in two categories. There is a general requirement to obtain a specimen that is truly beautiful. This is relative. There are also certain blemishes that are considered a lack of Hadar by the Talmud. These include a dried out specimen and a specimen that has discolorations or blisters on its surface. [If it is totally dried out, some Poskim maintain that it is like a specimen that is not regulation size. This is invalid for other reasons, on all days.] Some Poskim consider the loss of the Pitom a case of a Hadar invalidation. Some discolorations or blisters are considered invalidations. Others are considered relative; if one has a choice he should choose the nicer Esrog.

We have discussed the differences between the first days and the latter days of Sukos. Chasair is only a factor on the first days. One Talmud sage ate a bite out of his Esrog every day, then continued using it the next day. Hadar invalidates the Esrog for subsequent days as well. Some say that this is due to the way the Torah words the requirements. The word *Ulekachtem* (Lekicha Tamah) comes before the words *Bayom Harishon*, on the first day. The word *Hadar* comes later in the Pasuk. Therefore it applies on all seven days. Others reject this explanation. They maintain that the Talmud is discussing the Mitzvah on subsequent days. This is a Rabbinical Mitzvah, to remember the Bais Hamikdash. The Rabbis have discretion over when these requirements should be applied. Since there is a general principle of *Hidur Mitzvah*, they required Hadar on subsequent days. However, Chasair and Nikaiv are not as general, and they did not wish to discourage people from performance of the Rabbinical Mitzvah due to it. Some say that the Yerushalmi validates a no-Hadar specimen on the latter days of Sukos.

Another issue is raised. What happens if there is a only one set of Arba Minim available, and it has these blemishes? Should one use it on the first day, and recite the Brocha on it? Some Poskim maintain that in any *Shaas Hadehak*, emergency, the Rabbis use their discretion to permit reciting a Brocha on a totally invalid specimen. Others maintain that a totally invalid specimen may not be used for a Brocha under any circumstances, but should be shaken to keep the memory of the Mitzvah alive. Some say that just as there is a Rabbinical obligation on the latter days, there is also a Rabbinical obligation on the first days. However, on the first days the Scriptural obligation supersedes the Rabbinical one. If there is no way to fulfil the

Scriptural obligation, one must still fulfil the Rabbinical one. There is a Brocha on this obligation, just as it applies on subsequent days. [See Sukah 29b 34b-35b, Poskim. Tur, Sh. Ar. O.C. 648:1-3 7, commentaries. Chacham Tzvi 9.]

(C) *The Pitom*

An Esrog is meant to resemble a tower, with a wide base and a tapering top. The Talmud refers to a *Pitoma* and a *Shoshanta*. The Mishna says that if the Pitoma is removed the Esrog is invalid. This is assumed by the majority of Poskim to be a case of Chasair. Some say the Pitoma refers to the stalk where it grows from the tree. This must be intact, but there is no minimum length to it. Some say it refers to the top of the Esrog. The majority view is that it refers to the protrusion at the top of the Esrog. In this, too, there are varying views. Some say that to be invalid the entire protrusion must have been removed, leaving behind a hole in the Esrog. Some say that even if the majority of it is removed, it is invalid. This also depends, in part, on how one translates *Shoshanta*. Some say it is another word for the protrusion. Most say that it refers to the bulbous piece at the top of the protrusion. Some say that this is also called the Pitom, and that even if this piece is removed the Esrog is invalid.

Assuming the majority view, that the protrusion is the Pitom, the Poskim debate how much of it missing causes the Esrog to be invalid. A minority view invalidates if the *Shoshanta* is missing. Therefore, if possible one should try to get an Esrog with its *Shoshanta* intact. Some say that if the Esrog has a long Pitom, if some is missing it does not pose a problem. Most of it is not considered part of the Esrog. If the Pitom is very short, it could be considered part of the Esrog. The main two views are (i) that it must be intact at the point that it protrudes from the Esrog, and (ii) that it may be missing this part as well, provided there is no hole left behind. The consensus is to follow the former view, to require a small stump left behind.

Some Esrogim grow without any Pitom. This Esrog is kosher, since it is not Chasair. The consensus is that an Esrog with an entire Pitom and *Shoshanta* is considered better than one which never had one. However, if part of it fell off, it is not as good as one which never had one.

If the Pitom has started falling off, some Poskim maintain that it must still be attached strongly enough to hold the Esrog by. Others say that if it is not severed more than half-way it is still kosher. Yet others maintain that if it is still well attached enough that it will not easily be pulled off, it is kosher. In our case, below the break, there is a stump. Therefore, it is not Chasair according to most Poskim.

[See Sukah 34b-35b, Poskim. Tur, Sh. Ar. O.C. 648:7-8, commentaries. Arbaas Haminim I/Miluim/Esrog:34.]

(D) *Using glue to attach*

The Poskim discuss using a pin to attach the stalk at the bottom of the Esrog. The majority do not favor the idea. If it is not part of the Esrog it can not be considered Tamah simply because it is attached. Some add, it is a little like adding something foreign to the Esrog, which touches on the prohibition of *Bal Tosif*, not to add things to Mitzvos. The Talmud forbids using two Lulavim or Esrogim. It is also forbidden to add another species to the four. The Poskim debate whether one violates Bal Tosif with the fifth species if he had no intention to add this species. Even if it does not involve the Scriptural violation, it might be forbidden due to appearances. [They discuss painting the Lulav green to give it better color, albeit a *Hidur*.] Thus, the extraneous piece of stalk (or Pitom) and the pin used to attach it raise this issue. In our case the Pitom is only loose. If one had no intent to add it, the glue would pose no problem according to the lenient view. Not being visible, it gives no appearance either. The issue would be whether the glue helps the Esrog attain the status of Hadar. If Hadar is meant to be an intrinsic feature of the Esrog, the loose Pitom causes a deficiency in this area. The glue does not help reinstate it. If, however, it is a case of the relative beauty to the beholder, an inconspicuous amount of glue should help give the Esrog the status of Hadar. [See Sh. Ar. 648:8 (Beer Hetev, Shaarei Teshuva Bikurei Yaakov) 641:14 (Taz, M.A., Bikurei Yaakov, Yeshuos Yaakov, Biur Halacha) Arbaas Haminim I/Miluim/Esrog 39.]

(E) *When the first day is Shabbos*

The Rabbis suspended observance of Arba Minim on Shabbos. They were concerned with the possibility of inadvertently carrying the Arba Minim out of one's house, a Melacha on Shabbos. The Rabbis never suspended the Mitzvah in the Temple on the first day, but suspended it on subsequent days. This was because the Mitzvah on the first day is distinguished by being obligatory outside the Temple. They also left the obligation intact outside the Temple. However, Jews out of range of the Sanhedrin could not take the Lulav on the first day, lest it was not Yomtov. With the destruction of the Temple the Rabbis banned taking the Lulav on Shabbos universally. Since those out of range could not take it anyhow, the restriction was applied evenly on everyone. After the permanent calendar was fixed, this was no longer true. Nonetheless, the restriction on the first day was not lifted. This is part of the institution of the Minhag to perpetuate the original practice. [See Sukah

In the Diaspora, the second day is kept as though it were the first day. As we have explained, this is no longer due to a doubt about the timing. The permanent institution of the Minhag to observe the second day was made by the Rabbis well after the destruction of the Temple. The obligation to take (even inferior sets of) Arba Minim on the latter days had already been instituted. Accordingly, some say, it could not be treated as a Rabbinical version of the first day, disqualifying Arba Minim unfit for the first day. Others disagree, maintaining that even nowadays, the Minhag was only instituted to treat the second day as though it were being observed due to doubt. Thus, the Minhag treats the second day like the first. All invalidations on the first day apply to the second day in the Diaspora.

[Proof for this view is found in the laws of Eruv Tavshilin. If Yomtov falls on Thursday and Friday, one makes an Eruv on Wednesday. If one forgot to, he may make it on Thursday with the provision: "If today is Yomtov, tomorrow is not, and I may anyhow prepare for Shabbos. If tomorrow is Yomtov, today is not, and I hereby make this Eruv to permit me to prepare tomorrow."]

In practice we follow the second view. This means that one would not fulfil the Mitzvah on the second day even if his Arba Minim were kosher for the latter days. We do not excuse ourselves totally from fulfilling the Mitzvah, but take the deficient set without reciting a Brocha. [There is a view, cited earlier, that the Zecher Lemikdash obligation also applies on the first days, always requiring a Brocha.] Certain leniencies are applied, particularly where there are two views of the Poskim. We would normally tend toward stringency on the first day. On the second day we would often follow the lenient view. [See section A.]

Thus, even if the first day is Shabbos, Diaspora Jews are obliged to treat the second day as though it is the first day. In Eretz Yisroel all the invalidations of the first day are relaxed on the second day. In the Diaspora they apply Rabbinically. In our case, we have determined that the amount of Pitom that is loose does not invalidate the Esrog as Chasair, in accordance with the lenient views. Attaching it with glue touches on Bal Tosif. This does not depend on the day of Sukos. However, many Poskim permit it when there is no intent and it does not give the appearance of Bal Tosif. The advantages of visual Hadar would seem to permit reliance on these views.