



## Halacha Highlight

### Obtaining the ד' מינים from a garden of idol attendants

Rema Siman 649 Seif 4  
כל זמן שאין עובדין האילן

**As long as they have not worshipped the tree**

Shulchan Aruch discusses obtaining a *lulav* from a garden that belongs to people who minister idols or other types of attendants. He rules that it is permitted to take a *lulav* or one of the other ד' מינים from such a source. Mishnah Berurah (ס"ק כ"ז) cites Sefer Chassidim who maintains that if one has access to another *lulav* he should take that one rather than the one he obtained from the garden of the minister or attendant of an idol, even if the other one is not as beautiful. Rema adds that it is permitted to use such a *lulav* even if it is planted before the idol provided that the tree was not worshiped.

Mishnah Berurah (ס"ק כ"ח) cites a dispute concerning the *halacha* once the tree is worshiped. The first opinion he cites maintains that once they worship the tree any *lulav* or fruit that is on the tree at that time is prohibited, *l'chatchila*, for use for the *mitzvah* since it is repulsive for sacred use. Those items that grew after the tree was worshipped are prohibited even for private use as explained in Yoreh Deah *siman* 145:1. He then cites other authorities who maintain that if the idolater detached the *lulav* and then gave it to a Jew, not only is permitted for private use since by detaching it from the tree the idolater nullified it from being an idol, but it may even be used for the *mitzvah*. The reason it is not repulsive for sacred

## Overview

### Siman 649 Seif 4:

It is permitted to take a *lulav* or one of the other species from gardens that belong to the youth who attend to the idols or from similar gardens of the buildings of their attendants (even if the tree was planted in front of the idol provided that they do not worship the tree).

- ❖ According to some opinions in Yoreh Deah one may not pay for items taken from these gardens. Accordingly, it may only be used if received free of charge. Rema is lenient and permits paying for them, provided that the garden is not in the yard of the idol and the money goes to the priests rather than for the idols. (M.B. 26)
- ❖ If others are available they should be used even if they are not as beautiful. (M.B. 27)
- ❖ Once they are worshiped, whatever is already on the tree is prohibited *l'chatchila* since they are repulsive for *mitzvah* use and what subsequently grows is prohibited even for private use. Some maintain that if the idolater detached it and then gave it to a Jew it may be used even for the *mitzvah* since it was nullified and grew after the tree was worshiped. (M.B. 28)

use is that it underwent a major change since the *lulav* or *esrog* was not on the tree when it was worshiped. Sha'ar HaTziyun (ס"ק כ"י) references Taz who maintains that cutting a *lulav* or *esrog* from a tree that was worshipped is considered a שנוי—a change and it is for that reason it is permitted for private use. He notes that the allowance to use an item that was worshipped by changing it physically is novel and not found in the writings of other *Poskim*.