The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרמ"ט סעיף ו'

Overview

Siman 649 Seif 6:

In a pressing circumstance where a valid set is not available, we take any invalid set but do not recite the *beracha*. Some permit using a dry *lulav* and even to recite the *beracha* and the custom is to use a dry *lulav* even when moist ones are available but regarding the other species one should not follow this custom but some are lenient regarding a dry *hadas* and one may rely upon that position in a pressing circumstance. Although a deficient *esrog* is acceptable on the other days one should not cut his *esrog* into two or three sections and distribute the parts to others even in a pressing circumstance because a deficient *esrog* is acceptable only when the primary part remains intact but in this case it is considered pieces of an *esrog* rather than an *esrog*. This relates to reciting the *beracha* but if one does not recite the *beracha* he may take anything that is invalid without reciting the *beracha*.

- A pressing circumstance is when a valid set is not available in the entire town but if a friend has a valid set, it is not considered a pressing circumstance even though one cannot obtain his own set and he must borrow his friend's for the *beracha* and then perform the *na'anuim* on his own invalid set. (M.B. 52)
- This applies to invalidations due to *hadar* but if it is not the correct species it is invalid for all of Sukkos and stolen is also invalid even in a pressing circumstance. (M.B. 53)
- It is taken even on the 1st day so that people do not forget the *mitzvah* but the *beracha* is not recited. (M.B. 54)
- Rambam maintains that one should not be lenient even in a pressing circumstance except for a *lulav* and only if it is dry but not for other invalidations. (M.B. 55)
- It is not so dry that it crumbles under pressure from one's fingernail (or regarding *hadasim* they have not turned white) so that dry and moist are almost the same and thus the custom is to recite the *beracha*. (M.B. 56)
- Authorities write that in a pressing circumstance one may rely on the authorities who permit any of the species to be used while dry and recite a *beracha* on them For these matters there are four categories: 1) If only dry are available one takes them and recites the *beracha*. 2) If they are completely dry but others have ones that are completely moist, one should recite the *beracha* on the moist ones and even *b'dieved* one does not fulfill the *mitzvah* with the dry ones. 3) In countries where they *lulavim* and *hadasim* are neither completely dry nor completely moist, one may recite the *beracha* on dry ones. 4) Where others have moist ones, *l'chatchila* one should not recite the *beracha* on his own dry ones even if they are not completely dry and even *b'dieved* if he recited the *beracha* on the dry ones, he should take the moist ones without reciting the *beracha*. (M.B. 58)

Halacha Highlight

The prerequisite of הדר

Rema Siman 649 Seif 6
ויש מכשירין לולב יבש

Some permit the use of a dry *lulav*

Shulchan Aruch rules that in a pressing circumstance in which there are no valid ד' מינים one should take any of the invalid ד' מינים but without reciting the *beracha*. Mishnah Berurah (ס"ק נ"ג) clarifies that Shulchan Aruch refers to where they are invalid by virtue of some sort of blemish, but if they are invalid because they are not the designated species, it is invalid for use even in a pressing circumstance and should not be taken since it could lead people to the erroneous conclusion that the wrong species are acceptable. Stolen items are also invalid for use under all circumstances. Rema writes that there are *Poskim* who are lenient and permit the use of a dry *lulav* and even allow the recitation of the *beracha* on it but if the other species are dry they may not be used. He then notes that there are authorities who are lenient and permit the use of a dry *hadas* and rules that one may rely on that opinion in a pressing circumstance. Mishnah Berurah (ס"ק נ"ח) relates that latter authorities agree that in a pressing circumstance one may rely on the authorities who rule that one may use any of the species that happens to be dry and even recite the *beracha* on them.

In explanation of the dispute whether it is permitted to use one of the species that is dry, Rav Moshe Feinstein (או"ח ח"א סי' קפ"ז) suggests the following. The issue disputed is the intent of the Torah when it uses the term הדר in reference to the ד' מינים. Some maintain that the term הדר establishes a unique obligation for the ד' מינים which is independent of the standard obligation to beautify a *mitzvah*. Therefore, if the ד' מינים are not הדר they are considered invalid and one may not recite the *beracha* even in a pressing circumstance. The other opinion maintains that the term הדר does not establish a unique obligation, it merely teaches that if the ד' מינים are not הדר they are invalid *b'dieved* but only when a הדר one is available. In a pressing circumstance in which a הדר one is not available, one is not in violation of this prerequisite and thus it may be used and one may even recite the *beracha*.