The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרנ"ה סעיף א'

# Overview

Siman 655 Seif 1:

**If a gentile imports a *lulav* for a Jew from outside of the *techum* it is permitted even for the one for whom it was imported.** See above *siman* 586:21-22 and *siman* 307:5 whether it is permitted to ask a gentile to import it or to desecrate Yom Tov for it.

- It is prohibited to remove it from its four *amos* if the city does not have an *eruv* and in such a case one must walk to the place where the gentile placed it down. A house is considered *four amos* and one may ask a gentile to walk it to someone elderly or ill. (M.B. 1)
- In *siman* 307 Shulchan Aruch cites an opinion that prohibits a *shvus d'shvus* even to fulfill a *mitzvah* but in *siman* 586:21 he cites the lenient opinion without citing the stringent position and as such it would be permitted to ask a gentile to import a *lulav* from outside of the *techum*. The reason the wording implies that one may use the *lulav* only *b'dieved* is to rule leniently (b'dieved) even if it was brought from more than 12 *mil* outside of the *techum* which according to many opinions, is Biblically prohibited. In a pressing circumstance where there is no *lulav* available in town one may ask a gentile to import one, even from more than 12 *mil* outside of the *techum*, in order to be able to fulfill the *mitzvah*. This assumes that the gentile will return on that day so that the *mitzvah* could be fulfilled that day but he may not be sent of the first day so that he will return on the second day if he will have to import it from more than 12 *mil* outside of the *techum*. If an *aravah* was detached on Yom Tov, even if not for a Jew, it may not be moved, even if one has no other *aravah* for the *mitzvah* since it is *muktzah* and a single *shvus* is not suspended to fulfill a *mitzvah*. If it was picked on the first day it is permitted on the 2nd day but not when the first day was Shabbos. If a friend who is outside of the *techum* does not have a *lulav* it is permitted to send one to him but if he was negligent in acquiring one it is not permitted. (M.B. 3)

# Halacha Highlight

## Using a *lulav* that was detached from its tree on Yom Tov

Shulchan Aruch Siman 655 Seif 1
גוי שהביא לולב לישראל מחוץ לתחום

**If a gentile imports a *lulav* for a Jew from beyond the *techum***

Shulchan Aruch rules that if a gentile imported a *lulav* for a Jew from beyond the *techum* it is permitted even for the one for whom it was imported to use it for the *mitzvah*. The reason is that the *lulav* is not *muktzah*, it is just that it was prohibited for the gentile to import it from beyond the *techum*. As such the restriction that applies is that it is prohibited for benefit but since fulfilling a *mitzvah* is not considered benefit, there is no issue with taking the *lulav* to fulfill the *mitzvah* (מ"ב סק"ג). Mishnah Berurah (שם) emphasizes that this leniency is limited to where the *lulav* was merely imported from out of the *techum* but if the *lulav* was detached from the tree on Yom Tov, whether the 1st day or whether the 2nd day, it is *muktzah* and even if one has no other *lulav* he may not move this *lulav* that was severed from the tree on Yom Tov. However, if it was severed from the tree on the 1st day of Yom Tov it may be used on the 2nd day of Yom Tov except for when the 1st day of Yom Tov falls on Shabbos.

There is a debate whether someone who lives outside of Eretz Yisroel may use a *lulav* that someone who lives in Eretz Yisroel detached for him on the 2nd day of Sukkos, which for the Israeli is not Yom Tov but for the foreigner is Yom Tov. Minchas Yitzchok (חי"ח סי' נ"ט) writes that technically it is considered *muktzah* and may not be used. His only allowance is to rely for this purpose on those authorities who maintain that everyone observes one day of Yom Tov when in Eretz Yisroel. However, he may only rely upon this leniency if he does not have another *lulav*. Rav Shlomo Zalman Auerbach (יום טוב שני כהלכתו פ"ב סע' י"ג) permitted the foreigner to use the *lulav* since it was permitted for the Israeli to detach it on that day and thus it is not considered *muktzah*. This allowance applies even if he has access to another *lulav*.