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

Overview

Siman 656 Seif 1 (a):

If one purchased an *esrog* that is minimally fit for use for the *mitzvah*, e.g., it is the size of an egg, and then one found a larger one, it is a *mitzvah* to pay an additional third (מלגו) in order to exchange it for a nicer one. Another opinion maintains that if one found two *esrogim* for purchase and one is nicer than the other, he should purchase the nicer one if it is not more than a third more expensive than the other one.

- The Gemara states that one should spend one-third for *hidur mitzvah*. Rabbeinu Tam explains that the Gemara does not refer to one who has a choice of two *esrogim* since there will always be a more beautiful *esrog* available. What the Gemara means is that if one purchased an *esrog* whose size is minimally acceptable, for example, it is the size of an egg, and the other is larger, it is *mitzvah* to add an additional third out of concern that the small *esrog* will shrivel. Even though one already purchased an *esrog* it is a *mitzvah* to exchange it and add one-third more to obtain a larger *esrog*. Others explain that the Gemara refers to one who already purchased an *esrog* or other *mitzvah* object and another more beautiful one presents itself and it teaches that in such a case one should obtain the more beautiful one by adding an additional third. (M.B. 1)
- Magen Avrohom explains this *halacha* applies to other *mitzvah* objects as well and not specifically to an esrog. (M.B. 2)
- An example of מלגו is an object purchased for 6 and he adds an additional 2, which is 1/3 of the original cost. מלבר is when one divides the cost in half and adds that amount (in our example another 3) to the original cost. Some are stringent and require one to add 1/3 מלבר. (M.B. 3)
- If the seller does not want to accept an exchange, one is not required to purchase a second one unless one has someone who will purchase the first one. (M.B. 4)
- If one purchased an *esrog* which is larger than an egg, according to all opinions it is unnecessary to exchange that for one that is more beautiful [according to the first explanation the 1st is already larger than the minimum size and according to the second opinion one is not required to purchase a second one.] Gra citing Yerushalmi explains that even when one already purchased a *mitzvah* object and then found another nicer one he is required to exchange the 1st one and add a third to purchase the nicer one. (M.B. 5)

Halacha Highlight

Using *ma'aser* money to purchase a more beautiful *esrog*

Shulchan Aruch Siman 656 Seif 1 (a)
יקח ההדר

He should purchase the more beautiful one

Shulchan Aruch presents two explanations of the Gemara's statement that for *hidur mitzvah* one must pay 1/3. The first explanation understands the Gemara to refer to a circumstance in which one purchased an *esrog* whose size was minimally acceptable to fulfill the *mitzvah*. He later finds a larger *esrog* that is available and the Gemara teaches that he must be willing to pay an additional 1/3 of what he already paid in order to exchange the *esrog* that he has for the larger *esrog*. The second explanation contends that the Gemara refers to someone who has a choice of two *esrogim* and one is more beautiful than the other. The Gemara teaches that if the more beautiful one costs 1/3 more than the one that is less beautiful he must spend that money but if not, he may purchase the one that is not as beautiful.

Poskim discuss the allowance to use *ma'aser* money to purchase a more *mehudar esrog*. The Netziv (משיב דבר ח"ב סי' ע"ה) ruled that one may not use *ma'aser* money towards the purchase of a more beautiful *esrog* and formulated his position based on a ruling of Rema. Rema ruled (יו"ד סי' רמ"ט סע' א') that one who set aside *ma'aser* money may not use that money towards the fulfillment of a *mitzvah*; it may only be distributed to the poor. Rav Shlomo Zalman Auerbach (הליכות שלמה סוכות פי"א דבר הלכה אות ב') maintains that if one mentally decided to spend a certain amount on his *esrog* and is certain that he would not spend any more for a more beautiful *esrog*, he may use *ma'aser* money to purchase a more beautiful *esrog*. He cites an explanation of Rav Chaim Berlin that supports this ruling. The Gemara states that up until 1/3 comes from the person and beyond that comes from Hashem. Rav Berlin explained this to mean that the individual must spend 1/3 towards the *mitzvah* and after that he may take *ma'aser* money (Hashem's) to purchase a more beautiful *mitzvah* item.

- Even one who is not pressed financially is not required to add more than a third. The Gemara states that one-third comes from the person and the remainder comes from Hashem. Rashi explains that this means that even though one is not obligated to add more than a third, if he does so, Hashem will repay him. Some maintain that a wealthy person should add even more than a third for the sake of *hidur mitzvah*. (M.B. 6)