The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Oct 7 2023 ■ כ"ב תשרי, תשפ"ד
סימן תרנ"ח סעיף ג'

Overview

<u>Siman 658 Seif 3:</u>

A person does not fulfill his obligation on the 1st day with a *lulav* borrowed from a friend since the word לכם mandates that it is his possession. Even if the owner states, "It is yours until after you fulfill the *mitzvah* and then it returns to my possession," he does not fulfill his obligation since it is considered borrowed. If he gave it as a gift, it is permitted.

- If the husband is not home and his wife gave one of their friends or relatives his *lulav* the borrower does not fulfill the *mitzvah* since the owner may not want it to be shared for free. Bikurei Yaakov challenges this from the principle that people are happy to perform *mitzvos* with their possessions and for that reason one may take another person's *lulav* even without his permission. However, this rationale is applicable only on other days since he is considered a borrower but does not apply on the 1st day when he must own the *lulav*. Even if she runs the household she is not authorized to give away his possessions and even if the husband does not mind when he hears that his wife gave away his *esrog* the borrower did not fulfill the *mitzvah* since at that time it was not his. (M.B. 8)
- Magen Avrohom contends that when someone lends his *esrog* to a friend his intent is to give it to him as a gift so that he should be able to fulfill the *mitzvah*. Taz and Bais Yaakov disagree and therefore he should take a *lulav* without repeating the *beracha*. (M.B. 9)
- Some maintain that it is not proper to purchase an *esrog* but refrain from paying for it until after Yom Tov since such a *kinyan* is only Rabbinic (taking possession of the item without paying for it) unless one brought it into his yard which can acquire the *esrog* for him. *L'chatchila* one should be careful to pay for his *esrog* before Yom Tov. (M.B. 10)
- Since the gift was for only a short period of time it is not considered a gift. (M.B. 11)

Halacha Highlight

<u>Purchasing a *lulav* for one's adult children that he financially supports</u>

Shulchan Aruch Siman 658 Seif 3
בלולב של חברו שהשאילו
With a friend's *lulav* that he lent to you

Shulchan Aruch teaches that on the first day of Sukkos one does not fulfill his obligation with a *lulav* that he borrowed from a friend. The reason is that the Torah uses the term לכם—yours, to indicate that a prerequisite to fulfill the *mitzvah* is for one to own his *lulav*. Even if the owner tells the borrower that it should belong to the borrower until he fulfills the *mitzvah*, at which point it reverts back to the owner, the borrower does not fulfill his obligation since it is considered borrowed. Mishnah Berurah (ס"ק י"א) explains that since the gift will expire at a certain point it is considered a "loan" rather than an actual gift.

Aruch HaShulchan (סי' תרנ"ז סע' ג') expresses uncertainty regarding adult children or sons-in-law who are supported by their father/father-in-law. Does the *halacha* that requires each person to own his *lulav* include adult children and sons-in-law or perhaps since regarding many *halachos* one who is financially supported by his father or father-in-law is subordinate to the one supporting him, the entire family can fulfill their obligation with a single *lulav* and for each one of them it is considered לכם. In his conclusion he writes that it seems that they all fulfill their obligation with a single *lulav* and it is unnecessary for him to purchase a separate *lulav* for each of them. Rav Yosef Shalom Elyashiv (אשרי האיש ח"ג פל"ב אות י"ט) rules that a father is obligated to purchase a separate *lulav* for each adult in his family. Furthermore, although generally what a child who is financially supported acquires belongs to his father who supports him, in this case since the intent is for each person to fulfill his obligation, the father, no doubt, intends to convey ownership in a manner that allows them to fulfill the *mitzvah*.