

ותלמוד  
"הקדמות"  
לעשות רצונך  
בלבב שלם

# לוקוטי ופסקי הלכות "חוקי חיים"



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Krias Hatorah

Lulov - Sukkoh

Erev Sukkos 5778

60

## Lulov

### Tiyomes Split

1. All the leaves of a lulov are doubled in such a way that they are attached in the back, toward the spine, and unconnected on the other side. The point of connection is called the tiyomes (ש"ע) (תרמ"ה ס"ג).
2. The Shulchon Aruch holds that if most of a lulov's leaves are split, i.e., the split runs along most of the height of each leaf at the tiyomes, it is posul (שם). The Rama pasels a lulov even if just the top, middle leaf is split if the split extends until the spine (שם). Some say this means when most of the middle leaf is split (הגר"א); others say even just a small split, since the split will extend when it is shaken. The Taz understands this to mean a tefach; the Chayei Odom holds even a tiny split. Rabbi Akiva Eiger (כתבים סוף ס' ד"ח) is not machmir if the split is miniscule.

### A Severed Top

3. If the top of the lulov, i.e., most of its upper leaves, was severed, it is posul (ש"ע תרמ"ה ס"ו). If the top leaf which is on the middle of the spine was severed, it is posul (רמ"א). Even if a tiny amount got cut off this leaf, it is posul (מ"ב סק"ח), unless there is no other choice (שעה"צ סק"ח).
4. If there is a sofeik if it was cut off, one should be machmir (הגרש"א). (תורת ד' מינים ס"ו הע"י). It is considered a sofeik if there is a visible indication that it got cut off (הגר"נ קרליץ מעדני שלמה עמ' פ"ז הע"י). (הגר"נ קרליץ מעדני שלמה עמ' פ"ז הע"י).
5. Lulov checkers have a mesoroh to make sure nothing got cut off. This is mainly applicable to 'Deri lulovim,' which generally have a natural hole at the side of the top of each tiyomes leaf. If two smooth, round holes are seen under a magnifying glass, one can be certain that the top was not detached (כשרות ארבע המינים עמ' ק"ג).
6. However, it is the practice of poskim only to check using this method if there is an indication visible to the naked eye that it may have gotten cut off. The appearance of the holes just proves that it is whole, but if there is no reason to suspect it is not, even if the holes are not clearly visible, the lulov cannot be declared posul misofeik. This is contrary to the practice of 'arba minim checkers' who pasel any lulov without these holes.
7. Occasionally, there is a sort of thorn extending from the top of the middle leaf, mostly on the 'Al Arish' variety. If just the thorn got cut off, some say it is kosher, since in this regard, the thorn is not part of the lulov (חז"א, ארבעת המינים השלם מילואים ח"א אות ל"ב, ובעל שבת הלי, דעת תורה ס"ו). Some say it is part of the lulov, and would be posul (הגר"ש"א, אשרי האיש ח"ג פכ"ח אות ד').

### Hemnek

8. If the end of the top tiyomes split and the two sides forked out [in a Y-shape], it is posul (ש"ע שם ס"ו). One must be very careful about this (מ"ב סק"ב).
9. If the split is slight and when the lulov is placed on its side or shaken, the ends touch, it is not posul as a hemnek (דעת תורה ס"ו).
10. The Brisker Rav was personally machmir – not mitzad hadin – for a hemnek even if the split was tiny (תשובה"נ ח"ג ס"י קפ"א אות ה').

11. If the tiyomes leaves appear as a slight hemnek, but there is some kora [papery, brownish-reddish material] which fills the gap, taking away the hemnek-appearance, it is kosher (ארחות רבינו ח"ב עמ' רל"ח, חוט שני סוכות פ"ג סק"ב).
12. The leaves of Deri lulovim are generally relatively roundish on top, not pointed. Thus, even when the two leaves are fully connected, they often appear partially separated. Some pasel them as a hemnek. This is a mistake – since that is the natural shape of the leaves, it is not a hemnek.

### Dried Out

13. If most of the leaves, or the spine of the lulov dried out, i.e., the green color was replaced by white, it is posul (ש"ע שם ס"ה). Some say it is considered dried out when it crumbles under a fingernail (רמ"א). Nowadays that, boruch Hashem, lulovim abound, it is not proper to rely on these shiurim.
14. If even a tiny bit (ביאה"ל ס"ז סוף ד"ה נסדק) of the end of the top leaf dried out, the Ra'avad pasels the lulov (מ"ב סק"ב), since the top of the lulov has the status as the top [chotem] of the esrog.
15. The top of the leaf commonly becomes more yellow than green. This is not considered dried out; that is only when it becomes white.
16. The top of the leaf commonly turns brownish or reddish from the sun. This is not considered dried out; it is kosher (חז"א או"ח ס' קמ"ה). Although the Brisker Rav was known to be makpid on this, Moron hoRa'avad writes that despite his personal hakpodoh, he admitted that a lulov like this is kosher (תשובה"נ ח"ג ס' קפ"א אות ה').

### Nonidentical Tiyomos

17. Occasionally, the tiyomos are not fully identical. If nothing was detached from either leaf; one is just naturally taller than the other, most poskim hold it is kosher lechatchilah as long as the other leaf covers most of the height of the other. Some say it is muttar if it is not easily visible. It would seem that a difference of two millimeters is certainly not distinguishable.
18. If the leaves are the same height, but not the same width, most poskim hold it is kosher if one leaf covers most of the other.

### Two Tiyomos

19. There is a discussion among the poskim regarding a lulov with two tiyomos, i.e., a lulov which ends on top with two doubled leaves. It should be pointed out, though, that although this happens every now and then, it is not so common. Many people see two tiyomos on what is really a regular lulov.
20. The experts give several ways of identifying a lulov with two tiyomos: a) The middle leaf is always greener than the others, and its color flows from the spine; b) The origin of the non-middle leaves always lean a drop to the right or left; and c) where the non-middle leaves diverge from the spine at their origins, there are spots of lighter green or yellow, unlike on the middle leaf.
21. Some hold that lechatchilah, it is not recommended to take a lulov with two tiyomos (ביכורי יעקב סק"ט). Most, however, hold it is muttar lechatchilah.

22. If one tiyomes split and the other is whole, some say it is posul (מ"ב חזו"א או"ח) (ספק"י); others hold it is kosher and one may be meikel (קמ"ה סקד' וה' קמ"ה סקד' וה').
23. If part of one of the tiyomos got cut off and the other is whole, some say one can be meikel (מ"ב סק"ט) like the opinion by a lulov with one tiyomes where part of one leaf got cut off (שו"ת בית דוד סי' תמ"ו). Others say it is posul since we are machmir when part of one of the leaves on the single tiyomes got cut off (שו"ת בית דוד סי' תמ"ו).

### Size of the Lulov

24. The minimum length of the spine of the lulov is four tefachim [40 cm – Chazon Ish, or 32.7 cm – Rav Chaim Naeh] (שו"ע תר"ג ס"א). Since it is de'oraisa, one should use the Chazon Ish tefach.
25. The length is measured from the beginning of the second leaf, so there is a leaf next to it., until the end of the spine, which is where the top, middle leaf begins (חזו"א או"ח קמ"ו כ"ג-כ"ו).

### Building the Sukkoh

#### Schach Before Walls

26. One should not put up the schach before the walls, since schach without walls is not called an ohel, and making the walls afterwards would have the issue of 'ta'aseh velo min he'osui' (רמ"א). However, one does not need to put up all the walls before the schach; it suffices to make a height of a tefach (רמ"א) of the requisite walls, i.e., two walls and part of a third (ביכורי יעקב סק"ח).
27. If there is a 'dofen akumoh' of posul schach, one does not need to put up the posul schach before the kosher schach; the part of the wall on the ground is enough, since it is no worse than starting the schach at a distance from the wall.

#### Dofen Akumoh

28. Less than four amos of posul schach adjacent to the wall does not pasel a sukkoh. We view it as if the wall bends at the top and reaches the kosher schach. One may not sit or sleep under the posul schach if it is four tefachim wide (שו"ע תרל"ב ס"א). Also, if the dofen akumoh is needed to make the sukkoh kosher, he may not use the area under it in a degrading fashion, e.g., to leave pots there, since it is considered as part of the sukkoh (ביכורי יעקב סק"י).
29. **Four amos** is 192 cm. according to Rav Chaim Naeh. The Chazon Ish agrees to this measurement when it is a chumroh.
30. When dofen akumoh is utilized, the walls must reach the schach; it is not enough for them to be ten tefachim high (תרל"ג). However, if there is a space of less than three tefachim, it is kosher (מ"ב שם).
31. **One dofen akumoh for two sukkos.** One wall may serve as a dofen akumoh for two sukkos; it is not considered contradictory for it to be viewed as 'bending' in both directions (ספר בית השואבה דברים הפוסלים בסך). This is common when two balconies are separated by a wall.
32. **Above the schach.** We even apply dofen akumoh where the posul schach is above kosher schach. This can occur when the balcony of a higher tenant extends over the sukkoh with an overlap less than four amos. In such a case, we apply dofen akumoh to validate the sukkoh even though the balcony is apart from the sukkoh walls (אי"א בושטאטש).
33. **'Shlack'.** Many people in Chutz Lo'oretz have a sukkoh in their house under a roof that opens. Although it cannot be seen from inside the sukkoh, sometimes the slack does not open completely. Therefore, when measuring four amos for dofen akumoh, one must take the not-fully-opened slack into account so that there is less than four amos between the wall and the kosher schach.

### Schach

#### Posul Schach

34. Posul schach in the middle of the sukkoh only pasels the sukkoh if it is four tefachim; if it is less, one may sit underneath it (שו"ע תרל"ב ס"א). Ideally, one should be machmir not to sit under it if it is more than three tefachim (מ"ב סק"ג). In terms of the beams which support the schach, one may sit under them lechatchiloh if they are less than four tefachim (שעה"צ תרכ"ו סק"ב).
35. **Four tefachim** is 32 cm. according to Rav Chaim Naeh. The Chazon Ish agrees to Rav Chaim Naeh's measurement when it is a chumroh (חזו"א או"ח קמ"ו כ"ג-כ"ו). **Three tefachim** is 24 cm. according to Rav Chaim Naeh.

### Materials Over the Schach

36. One must pay careful attention to anything fixed above the schach. Particularly in tall buildings, one must look to the sky to make sure there is nothing interfering with the kashrus of the sukkoh.
37. **Laundry lines.** The Bach holds that we say 'lovud' lechumroh. Some take this into account and pasel a sukkoh if there are laundry lines within three tefachim of each other above the sukkoh (ח"ח). However, most poskim are not concerned about this.
38. Consequently, the poskim hold one cannot obligate his neighbor to remove the lines (חוט שני סוכות עמ' קצ"ד, אשרי איש ח"ג פכ"ה אות כ"א). What he can do is place schach on the lines, and then it is for sure kosher, even if it is much higher than his sukkoh (לפי שעה"צ שם סק"ה).
39. **Window bars.** All the above is also true regarding bars which protrude from a window above the schach, which generally have less than three tefachim between each other.
40. **Air conditioner.** Often, air conditioning units protrude from a building above the schach. If the sukkoh is greater than 7x7 tefachim and the unit protrudes four tefachim, it does not pasel the sukkoh, but one may not sit underneath it.

### Insecure Schach

41. **Ladder.** One may not place a ladder on schach to prevent it from blowing away; that is a problem of 'ma'amid' (רמ"א תרכ"ט ס"ז ובמ"ב). It is clear from this that something holding down the schach is also called ma'amid. Therefore, if the schach would not withstand a normal wind, one may not tie it down with a material which is posul as schach.
42. **Wooden beams** may be placed on the schach if they are not four tefachim wide (לפי השו"ע תרכ"ט ס"ח) since they may be used as schach.
43. **Guava strands** may be used to tie down the schach since they are natural, unchanged fibers which may be used as schach (שו"ע שם ס"ה). Linen or hemp fibers may not be used since they have been processed.
44. **Stone.** Some poskim say one may place a stone on schach to prevent it from blowing away, since Chazal allowed schach to be held up by a stone wall (שו"ת שבט הלוי ח"ט קל"ר); others hold it is not like a wall since it is movable, and thus ossur (חוט שני פ"ה אות א').
45. **Cable ties** are made from material that may not function as schach. Thus, if the schach would not withstand a normal wind without them, they may not be used to tie the schach. However, if the schach would withstand a normal wind, one may use them as an extra safeguard. Even so, he should tie them loosely (מור"ר בעל קנה בשם).

### Spray

46. Bamboo schach often contains worms. If they fall into food, one may chas vesholom end up eating them (ביכורי יעקב תוספת ביכורים סוס"י). Therefore, before using this schach, one should spray it with bug spray and then check it.
47. To check it, one should lay white paper on the floor. Then, he should hold the upright, rolled mat over the paper and let it fall and knock against the floor so that the bugs fall out. He should then inspect the white paper to see if bugs fell onto it.

### Schach Fell on Yom Tov

48. If some of the walls or schach fell on Shabbos or Yom Tov, even if a tefach remained, a Jew should not reposition them (מ"ב תרל"ז סק"א). One may have a non-Jew reposition them on Yom Tov, even if a tefach did not remain (שם).

### Sitting in the Sukkoh

#### First Night

49. One should have kavanah to fulfill the mitzvah of yeshivas sukkoh. Ideally, one should have in mind the reasons for the mitzvah of sukkoh to fulfill the Bach's opinion, since the posuk says, "למען ידעו דורותיכם".
50. One should eat a beitzah, or 100 cc, of challah within kedai achilas pras, which is lechatchiloh two minutes, or four minutes at most (אלף למטה תרכ"ה סק"פ). Ideally, he should swallow the whole shiur at once, as by matzoh (מט"א תרכ"ה ס"ב).
51. The first kezayis must be eaten at night, as by matzoh (רמ"א תרל"ט). Also, Kiddush must be made at night, since the brochoh of 'leishev' on the first night of Sukkos may only be made at night (מג"א תרל"ט סק"א). As far as Kiddush of the second night of Yom Tov in Chutz Lo'oretz, see Biur Halochah (ולא תרל"ט ס"ג ד"ה ולא).
52. On the first night, one must eat a kezayis in the sukkoh even if it is raining (רמ"א ס"ה). Still, he should not make a leishev since it is a machlokes and the rule is sofeik brochos lehokeil (מ"ב סק"ה).