

Closing Arguments: Reexamining What Matters On the Top of the Lulav

The search for a lulav can be both exhilarating and overwhelming. There are several details to be concerned about and the favorite of many b'nei Torah, a “totally closed lulav,” is often elusive or exorbitantly priced. A proper decision regarding which lulav to use, as well as the appropriate amount of resources to spend finding a suitable lulav, hinges on understanding several of the Gemara’s statements regarding a lulav and its leaves.

Double or Nothing

At the center of a lulav is a thick, green spine called the *shidra*. The long, familiar lulav leaves grow from the *shidra*, close and parallel to it, on both sides. If you look at a lulav from the back (the yellower side) and inspect it carefully, you will notice that each lulav leaf is made up of two twin leaflets. The leaflets are connected on one side (called their apex). If you haven’t noticed those component leaves on your lulav, you have seen them as something else — lulav rings. Those rings are made from individual lulav leaflets that are separated from each other by gently severing them along their connection, called a midvein. Most lulavim also have a central, uppermost leaf that extends from the *shidra* and beyond it. Like all other lulav leaves, that leaf also consists of twin leaflets.



Rabbi Shmuel Maybruch, LCSW

Maggid Shiur, Stone Beit Midrash Program
Psychotherapist and Relationship Coach,
The Relationship Couple, LLC

The leaflets are at the center of a major dispute in the Rishonim and the *Shulchan Aruch*. The Gemara (discussed below) emphasizes that a lulav is only kosher if the leaflets remain together and are not split along the midvein. Many Rishonim understand that halacha to be discussing all (or most) of the lulav’s leaves. If they are split along the midvein, the lulav is invalid. Other Rishonim ascribe a unique status specifically to the central, uppermost leaf. They maintain that the only leaflets that halacha demands remain together are the leaflets of that middle leaf.

The Gemara uses the term *tiyomes* — “twin” — to describe a double leaf. The Rishonim that view all the lulav leaves as equally important interpret the word *tiyomes* to be referring to the twin nature of all the lulav leaves. The Rishonim that attribute specific importance to the central middle leaf understand the word *tiyomes* to be referring to the twin leaflets of that specific leaf. This dispute has important ramifications for understanding the words of the Gemara and for purchasing an ideal lulav.

The Talmudic Sources

The Gemara disqualifies a split lulav in two *sugyos* in *Perek Lulav Hagazul*.

First, the Gemara (*Sukkah*, 31b–32a) quotes two variant rulings for a lulav that is *nisdak* — split. One Braisa rules that it is kosher and another states that it is invalid. The Gemara resolves the disparity by explaining that a split lulav is kosher unless the split forms a *himnik* — a fork shape.

The Gemara states:

אמר רב הונא וכו' נסדק כשה' ונסדק כשה' והתניא לולב כפוף קוץ סדוק וכו' פסול וכו' אמר רב פפא דעביד כהימנך.

Rav Huna stated, “if it is split it is valid.” If it is split it is valid? Didn’t we learn that “a lulav that [has a top that] is bent over, squashed, or split is invalid?” Rav Papa stated, “it [is invalid only if the split] is shaped like a fork (himnik).”

Next, the Gemara (32a) states that if the *tiyomes* of the lulav is split, the lulav is *pasul*.

אמר (רבי יוחנן) [ר' מתון] אמר רבי יהושע בן לוי: נחלקה התימות - נעשה כמי שניטלה התימות, ופסול.

Rabi Masun said in the name of Rabi Yehoshua ben Levi, “if the *tiyomes* is divided it is as if the *tiyomes* was removed, and it is invalid.”

There are three rules that emerge from these quotes in the Gemara:

1. A split lulav is kosher.
2. A lulav split in the shape of a *himnik* — fork — is pasul.
3. If the *tiyomes* — leaf pair — is split the lulav is pasul.

A Lulav Divided Shall Not Stand — *Nechlika Hatiyomes*

We often use the word “*tiyomes*” colloquially to refer to the middle leaf of the lulav. Yet since the Gemara itself does not identify what the *tiyomes* — pair — is, its identification is the subject of much discussion and dispute among the Rishonim, as mentioned above. The opinions of the Rishonim can be grouped into four different approaches.

1. Rif and Rambam: *Tiyomes* Applies to All Leaves

Many Rishonim¹ maintain that *nechlika hatiyomes* — the division of the pair — is a *p’sul* that refers to all the leaves of a lulav equally. They explain that, as discussed above, each lulav leaf is made of two identical leaflets connected in the back by a narrow spine, the midvein. The midvein that holds the two leaflets together is called the *tiyomes*. If all (or most) of the lulav’s leaves have their leaflet pairs severed from one another along their common midvein, the lulav is pasul because of *nechlikah hatiyomes*.

The Rif explains:

פירוש התיומת גבא דהוצא דמתיים להו לשני צידי העלה ומשוי להו חד כי כל אחת ואחת

כפולה לשנים ותאומה מגבה ואם נפרדו ההוצין זה מזה ועמד כל אחד ואחד כשהוא כפול לב’ והתיומת שלהן קיימת כשר ואם נחלקה התיומת הרי הוא כאילו נפרצו העלין ופסול:

The tiyomes is the back of the leaf that pairs the two leaflets into one, because each leaf is divided into two leaflets and the tiyomes is on the back. And if the leaves are spread apart from one another but each leaf remains with its leaflets paired and their tiyomes intact, it is valid; and if the tiyomes is divided, it is as if the leaves are severed and it is invalid.

This approach is echoed by the Rambam:

ברייתא עלין של לולב כך היא, כשהם גדלין גדלין שנים שנים ודבוקין מגבן וגב כל שני עלין הדבוקין הוא הנקרא תיומת נחלקה התיומת פסול.

This is the way a lulav’s leaves are formed: When they grow, they grow two by two and they are connected in their back, and the back of each two leaflets is called the tiyomes. If the tiyomes is split, it is invalid.

The *Shulchan Aruch* (OC 645:3) echoes the *p’sak* of the Rif and the Rambam, in consonance with his guiding principle to rely on those pillars of halachic decision, and codifies the ruling of the Rambam verbatim.

2. The Ritva and Ran: the Middle Leaf

The Ritva and the Ran quote a different understanding of *tiyomes*. They explain that the *tiyomes* means the middle leaf of the lulav, which consists of two leaflets that adhere to each other. They then proceed to address a difficulty in reconciling the two rulings in the Gemara. On the one hand, the Gemara states that *nechlika*

Lulav: The Ultimate Symbol of Connection

Why do we recite the beracha “*al netilat lulav*” (on taking the lulav) when taking the four species? Why not “*al netilat minim*” (on taking the species) or “*al netilat etrog*” (on taking the etrog)? R. Yaakov Mecklenburg, *Iyun Tefillah* pp. 308-309, suggests that the word *lulav* is a conjugation of two words, *lul* and *lev*, both of which connote connection. The word *lul*, which we find in the *lula’ot* (loops) of the curtain of the Tabernacle (*Shemot* 26:5), represents an internal connection, something connected to itself.

The word *lev* represents the binding of two things together as we find (*Sukkah* 45b) that the Jewish people have a *lev echad* (single heart) to the service of their Father in Heaven. The lulav encompasses both of these qualities. Each of its leaves are bound together as a *tiyomet*, twin leaf, and the leaves themselves are bound toward the spine. This is the *lul* aspect of the lulav. Additionally, the lulav is bound together with the haddasim and aravot, and when one takes the four species, one holds the etrog together with the other three species. This is the *lev* aspect of the lulav. When one recites the beracha *al netilat lulav*, it is not only a beracha on the lulav itself but on the connection of all four species. This is why *al netilat lulav* was chosen as the text of the beracha.

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hatiyomes — if the *tiyomes* is split — the lulav is *pasul*. On the other hand, the Gemara states that a split in the lulav's middle leaf is only problematic if the split forms a *himnik* — fork.

In response, the Ritva and the Ran explain that if the leaflets of the middle leaf are separated, the lulav is still kosher unless one of two things happens: 1) the split *continues most of the length of the leaves* toward their beginning at the top of the *shidra* — the lulav's spine; 2) the split in the middle forms a *himnik*.

The opinion of the Ritva and the Ran is recorded in *Shulchan Aruch*. The Rama (OC 645:3) writes:

הגה: ויש מפרשים לומר דאם נחלק העלה העליון האמצעי שעל השדרה עד השדרה, מקרי נחלקה התיומת ופסול; והכי נוהגין.

And some explain that if the uppermost middle leaf that extends from the spine is split until the spine, it is called a split tiyomes and it is invalid, and that is how we customarily maintain.

Accordingly, an extremely large percentage of lulavim, even those with the middle leaf split that are discarded by merchants as “just good for lulav rings,” are still kosher. It is very uncommon to find a lulav that has such a significant split that would be problematic. This is especially true since the Rama is not actually mandating that the halacha is like the opinion that the middle leaf cannot be completely or mostly open, rather that it is an Ashkenazic custom to maintain that way.

Yet before picking up a lulav from the floor to use for the mitzvah, it is also important to check if the small split that it has could be identified as a *himnik*, fork split, the other *p'sul* that the Ritva and Ran mention, and discussed further below.

3. The Second Approach of the Ritva and the Ran: The Middle Leaf Chumra

The Ritva and Ran proceed to quote another answer that resolves the seeming contradiction that a split lulav is kosher and a forked lulav is not. They likewise identify the *tiyomes* as the middle leaf, yet they rule more strictly if it is split. *Any split in the lulav's middle leaves render it not kosher, according to this perspective.* In the words of the Ritva:

ועוד י"ל דאפילו נחלקה מיעוטה פסול
One can also suggest that even if it is split a small amount it is invalid.

Then the Ritva and Ran proceed to address the obvious question on this approach; if *any split* is problematic, why does the other Gemara remark that a split is a concern *only* if it is shaped like a *himnik*? They explain that, according to this approach, a *himnik* refers to a *horizontal split* in the leaf. Indeed, a leaf that has *any lengthwise split* between its leaflets is *always pasul*, even if the split is not fork shaped. If a leaf has a *horizontal split*, then it is kosher unless the horizontal split creates a fork shape.

They record that scrupulous individuals were concerned with this interpretation and did not use a lulav that possessed a small split lengthwise between its two middle leaflets. This second approach of the Ritva and the Ran — that any split in the lulav's *tiyomes* is problematic — is quoted by the Rama. He adds this opinion and recommends one to follow it as a *mitzvah min hamuvchar* (ideal mitzvah fulfillment):

מיהו לכתחלה, מצוה מן המובחר, נוהגין ליטול לולב שלא נחלק העלה העליון כלל כי יש מחמירין אפילו בנחלק קצת.
Nevertheless, ideally, as the choicest

fulfillment of the mitzvah, it is customary to take a lulav that has an uppermost leaf that is not split at all, because some are stringent even if it is split a bit.

However, their interpretation of a *himnik* as a horizontal split is not quoted by the poskim.

4. The Baalei HaTosafos: Two Tiyomos

Another definition of *tiyomes* is advanced by the Baalei HaTosafos.² They reject the approach that the *tiyomes* refers to the conjoined leaflets. Buttressed by a *Teshuvah HaGeonim*, they maintain that the *tiyomes* is a twin pair of connected middle leaves that only grows in a small number of lulavim.³

נחלקה התיומת כו' - מצא ר"י בתשובת הגאונים ניטלה התיומת אותו הוצא העליון בראש הלולב שאין הוצא למעלה הימנה והוא כשני הוצין דבוקין זה בזה ונקראין תיומת... ולדבריהם לא ימצא לנו לולב כשר כי בטורח נמצאין אותן שיש להם תיומת כזה אפי' אחד בה' מאות ויש לומר שאף לדבריהם אין פסול אלא שהיה מתחילה כענין זה ונחלק שנשתנה מבריותו

The Ri (Hazaken Baal HaTosafos) found in a Geonic Responsum, "The tiyomes is removed — [that phrase refers to] that upper leaf at the head of the lulav, that has no leaf above it, and it is like two leaves that are connected to one another and they are called a tiyomes." And according to their opinion [in the Geonic Responsum], we would never find a valid lulav, because those that have a tiyomes like that can be found with much trouble, not even one in five hundred [lulavim have such a tiyomes]. One can suggest that even according to their opinion [in the Geonic Responsum], we would only invalidate [the lulav] if it was originally like that and then was split, so it is different than the way it originally grew.

The *Beis Yosef* explains that the Geonim and the Baalei HaTosafos mean that the *tiyomes* — pair of leaves — is a phenomenon that exists only when a lulav grows with two identical leaves in the middle, sometimes colloquially referred to as a “double *tiyomes*.” The Gemara is referring to a split between two identical leaves in the middle that extend together from the lulav’s *shidra* (spine), not a split in the two leaflets of a single leaf. These Geonim require the paralleling middle leaves to remain together. The Baalei HaTosafos elaborate that most lulavim grow without two parallel leaves in the middle, rather they have one central leaf with two leaflets. Therefore, most lulavim would not be subject to the *p’sul* of *nechlika hatiyomes* altogether.

The Approach of the Baalei HaTosafos L’Halacha

The approach of the Baalei HaTosafos — that the two middle leaves must be connected — is not quoted in *Shulchan Aruch* at all. Yet the *Bach* (645) writes that one should theoretically be concerned with the opinion of the Geonim who disqualify a lulav that has two identical middle leaves that become separated. At the same time, the *Bach* opines that our lulavim do not have this issue. He maintains that even if one finds a lulav that has identical middle leaves, those leaves were never originally connected. Therefore, the lack of connection represents their normal growth, not an aberration. Accordingly, the *Bach* does not see a need to be concerned with the Geonim’s opinion in contemporary lulavim.

Yet the *Bikurei Yaakov* (645:9) quotes the *Bach* and adds that our lulavim were originally connected when they

began to grow. The *Bikurei Yaakov* writes that if one does find a lulav that has two *tiyomes* leaves, he should try to use it only if the leaves are still mostly connected with the brown lulav substance known as *kora*, in order to fulfill the opinion of the Geonim. Yet he is quick to highlight that this is only a *chumra l’chatchila* and not the actual halacha.

On the other hand, the Chazon Ish (145:4) does not see a need to be concerned with that understanding of the Geonim altogether.

Case Closed

Many knowledgeable consumers seek to fulfill the words of the Rama that recommend a closed lulav as the choicest fulfillment of their mitzvah. Therefore, they attempt to find a lulav with middle leaflets that are not opened at all. Yet it is important to note that there is significant reason to be lenient and to purchase a lulav that is partially open on top.

The *Taz* emphatically writes that he is convinced that when the Rishonim and the Rama write that the lulav is *pasul* if it has any split in its middle leaves, they do not mean *any* split literally. They merely mean that if the lulav is split more than a *tefach* (approximately three inches), it is problematic. Even according to the most stringent view that the Rama is quoting, any split that is less than a *tefach* long is permitted. The *Taz* concludes that he feels comfortable promulgating that ruling because the entire concern of having the uppermost middle leaf closed is a stringency added to another stringency:

בפרט שרוב הפוסקי' ס"ל דאין לעלה
האמצעי' חומרא בזה רק בצירוף רוב העלין

והיינו ברוב כל עלה ועלה ולמה נחמיר בעל'
האמצעי' לדיע' זו יותר מדאי

Especially since most authorities maintain that the middle leaf has no added halachic strictness here, rather [there is only a problem if the middle leaf is split] together with the majority of the leaves of the lulav [being split], and even those [splits are only problematic if they are split] most of their length of each leaf. So why should we be so stringent regarding the middle leaf according to this opinion (of the Rama) more than necessary?

In other words, the *Taz* is observing that the entire opinion of the Rama is based on a minority understanding in the Rishonim. The consensus is that the *tiyomes* refers to the junction of each of the leaves of the lulav or to a lulav with a pair of middle leaves. The *Mechaber* codifies the problem of *nechlika hatiyomes* as splits in most of the lulav leaves and does not even quote the definition of *tiyomes* as the middle leaf. The Rama adds that it is our custom to be concerned with the definition of *tiyomes* as the middle leaf, but the Rama is lenient as long as the leaf is not mostly split. The Rama then adds that the most ideal way to fulfill the mitzvah is that it should not be split at all. The *Taz* asserts that to fulfill the *mitzvah min hamuvchar* according to a minority opinion of the Rama, it makes sense for consumers to rely on his presumption that any split less than a *tefach* is not considered a split altogether. The *Mishna Berurah* (645:18,19) only recommends trying to find a lulav that is open less than a *tefach*, beyond what the *Taz* would consider closed, if such a lulav is readily available. That would seem to preclude investing significant time and money in finding a completely closed lulav on account of the *chumra* of a *mitzvah min hamuvchar* of one

opinion in the Rishonim on top of a definition of *tiyomes* that the Rama rules it is customary to be concerned about. Furthermore, if one notices during Sukkos that his “fully closed” lulav is a bit open on top, he should not feel that he is fulfilling the mitzvah in a *b’dieved* fashion.

Himnik — a Fork-Shaped Split

There is another factor that might encourage the consumer to prefer to purchase a lulav that is completely closed — the concern of *himnik*.

This *p’sul* is not based on a minority approach in the Rishonim, a minhag, and a *mitzvah min hamuvchar*, but on the Gemara as quoted by the *Shulchan Aruch*. As such, it might be a more formidable reason to search for a closed lulav.

As discussed, the Gemara ruled that if the lulav is split like a *himnik* it is *pasul*. The *Shulchan Aruch* and Rama (645; 7) likewise rule:

נסדק אם נתרחקו שני סדקיו זה מזה עד שיראו כשנים, פסול. הגה: ואפילו לא נחלקה התיומה העליונה בענין שיפסל הלולב מכח נחלקה התיומת.

If it is split that the two splits pieces are distant from one another until they look like two, it is pasul. Rama: And even if the upper tiyomes is not split in a way that would otherwise be an invalidating split.

Several Acharonim (*Taz* 645:9, *Gra* 645:7) explain the words of the Rama based on the first answer in the *Ritva* and *Ran*, quoted by the Rama, and discussed above. These poskim already disqualify a lulav with a divide spanning most of middle leaf because of *nechlika hatiyomes*. They maintain that a very small split in the middle leaf is usually irrelevant. Yet if the split is forked so it looks like two disparate

heads, it is invalid because of *himnik*. Even if the size alone is insufficient to render the divide problematic, if the split is fork shaped, it is invalid. That is what the Rama means when he explains that a *himnik* lulav is *pasul*, “even if the upper *tiyomes* is not split in a way that would otherwise be an invalidating split.”

When You Come to a Fork in a Lulav

A cursory reading of these Rishonim and the *Shulchan Aruch* might lead one to believe that any fork-shaped split poses a problem of *nechlika hatiyomes* like a *himnik*. This is ostensibly emphasized by the Acharonim:

The *Pri Megadim* (645 *Mishbetzos Zahav* 9) writes:

וכשנחלק עד שנראה ב' ראשי חופיא כשנים מרוחקין כהימנך פסול אף במיעוטו, וצ"ע, כי שכיח הרבה כך.

And if it is split until the two heads of the lulav leaves look like two bundles of leaves distant like a fork, even a small split is invalidating, and it needs further examination, because this is extremely common.

Similarly, the *Levushei Serad* (645:9) writes:

שהעולם אין מדקדקים ובראותם נחלק התיומת דהיינו העלה העליונה מעט בראשה מכשירין, וכשהוא פחות מטפח אומרים דכשר לכלי עלמא, וטועים הם, כי על פי רוב כשנחלק בראשה אפילו מעט נתרחקו ונעשו כהימנ"ק

Universally, people are not careful, and when they see that the tiyomes, that is the uppermost middle leaf, is split a bit they validate the lulav, and when it is less than a tefach, they say it is valid according to all opinions, and they are erring, because, in general, when it is split on top even a little bit, the ends

are distant from one another and it has become like a fork.

The *Beur Halacha* also writes:

בודאי כשנראו כשני ראשים אפילו אם נסדק רק מעט מן המעט אם נתרחקו הסדקין עד שנראו כשנים גם לדברי הט"ז פסול וכ"כ בלבושי שרד ובזה יהיה מיירי הר"ן
Definitely, when they look like two heads, even if it is split a bit of a bit, if the cracks are distanced until it looks like two, then it is even invalid according to the Taz and so writes the Levushei Serad, and this is the intent of the Ran (in his first opinion that invalidates a small himnik).

One might be tempted to marshal the words of these poskim to disqualify a lulav with even the smallest split between the leaves. Yet a careful reading of these poskim indicates that their sole intent is to increase consumer awareness that a *himnik* has no minimum *length*; they are not discussing its *width*. In contrast to the *p’sul* of *nechlika hatiyomes*, which spans most of the length of the leaves, the *p’sul* of *himnik* exists any time that the middle leaf is split and looks like it is two leaves.

Yet it is clear from the Rishonim as well as the terminology used by the poskim, that a *himnik* is still only a problem if it appears to be shaped like a fork, as the Gemara says. If it does not look like a fork, even if the two leaf-heads are not touching, it would not be considered a *himnik*. This is evident from the fact that the Rishonim that define the word “*himnik*” elaborate to describe a pronged fork (they were not common utensils) or actually illustrate a fork in their *sefarim*.⁴ It appears that they are intending to highlight that a *himnik* is not a problem unless it resembles the significant distance like the prongs of a fork. This is why the *Shulchan Aruch* and the poskim use terms

emphasizing the distance between the two leaves such as “distant” and “became distant from one another.” Even though a *himnik* might be problematic if it descends only slightly along the length of the lulav, it needs significant *width* to create a two-pronged appearance.

That is how Rav Shlomo Zalman Auerbach (*Halichos Shlomo* O.C. 645) is recorded as having ruled:

דאף הלבושי שרד בהגהותיו לשו"ע כאן שהחמיר אף בנסדק קצת וכו', לא נתכוין כלל לפסול בנסדק גרידא, דודאי בעינו נתרחקו ממש זמ"ז ובהא לית מאן דפליג כלל
Even the Levushei Serad in his comments on the Shulchan Aruch here that is stringent even with a small split, does not mean at all to invalidate with a regular split, because we definitely need true distance between the two sides, and no one argues on that at all.

This observation is also made by Rav Yechiel Michel Stern (*Kashrus Arbaas Haminim* p. 202), who states:

והנה אע"פ שמדברי הלבושי שרד מפורש להחמיר בעשוי כהימנך גם במשהו ממש מ"מ נראה שאין כוונתו אלא בנעשה לארכו בזה החמיר אף בכל שהוא אבל ברוחבו צריך מרחק גדול בין שני ראשי העלים כדי שיפסל. ועל כן גם לדעת המשנה ברורה שהחמיר במשהו מיירי ג"כ באופן שנעשה כהימנך

ונפתח הרבה לרוחב אלא שס"ל שבשיעור ארכו פסול אפי' במשהו אבל אין הוכחה מדברי המשנה ברורה שס"ל שבנסדק מעט והמרחק בין ראש עלה אחד לשני הוא קטן שיפסל.

And even though from the words of the Levushei Serad it is explicit to be strict if it is shaped like a himnik, even with a truly miniscule amount, nevertheless it seems that his intent is regarding its length, in this matter to be concerned even in a miniscule amount, but in its width, it needs a great distance between the two heads of the leaves in order to invalidate.

Therefore, even according to the opinion of the Mishna Berurah that is stringent with a minute [split], he is discussing that in a situation where it is like a fork and spread wide widthwise. He merely maintains that lengthwise it is invalid even in a minute amount. But there is no proof from the Mishna Berurah that he maintains that if it is split a little, so that that the distance between one leaflet head and the other is small, that he would invalidate it.⁵

Some quote that the Brisker Rav was observed or was heard to be extremely concerned with a *himnik* and ruled out many lulavim that had small splits at their zenith. It is possible that the Brisker Rav's general approach to ambiguous terminology

in halacha, such as the undefined term “large distance,” was to be strict. He reasoned that if no specific shiur is given, it is difficult to reliably assess what is considered a large amount and what is considered a small amount of separation. Yet the consensus spanning the centuries might suggest that other poskim understood a *himnik* differently and would not be concerned by a split that is small in width.

The Chumra of the Magen Avraham

The Magen Avraham (s.k. 7) has an interesting stringency. He writes that even if the middle leaf is intact, a *himnik* can be a concern if it exists *next to the tiyomes*. There are two approaches in the poskim to interpreting the intent of the Magen Avraham's terse words.

1) The *Pri Megadim* (*Mishbetzos Zahav*, 8) understands that the Magen Avraham sees a *himnik* as problematic if the **shidra** alone is split, even if that split does not extend upwards to the middle leaf.⁶ That is not a common *p'sul* to encounter.

2) The *Mishna Berurah* (*Shaar Hatziyun* 33) understands that the Magen Avraham invalidates a lulav if



the **leaves next to the middle leaf** are split like a *himnik*.

There are two ways to possibly interpret the concern of the *Mishna Berurah*:

a) The *Mishna Berurah* might be expanding the *p'sul* of a *himnik* to the leaves around the central *tiyomes*.

b) Alternatively, the *Mishna Berurah* means that if the leaves next to the *tiyomes* form a fork-shaped formation, it is a problem of *himnik* — looking like a fork, even if none of the leaves are split.

Some contemporary seforim (*Sefer Arba'as Haminim Hashalem* by Rav Eliyahu Weissfish and *Sefer Daled Minim L'Mehadrin* by Rav Avraham Chaim Adas) rule that if the leaves next to the *tiyomes* are split like a *himnik*, there is a problem with using the lulav *l'chatchila*, in accordance with their interpretation of *Mishna Berurah's* understanding of the *Magen Avraham*. Yet other seforim (such as *Sefer Lekicha Tama* by Rav Avraham Reit) rule that one should ideally shy away from a lulav that has a few leaves that separate from each other like fork prongs, in accordance with the other interpretation of the *Mishna Berurah*. The latter approach seems to be concurred by the *Mishna Berurah* himself who exhorts purchasers to be careful not to cause a *Magen Avraham*-style *himnik* while they are examining lulav tops. It would seem more probable to understand that he is warning those perusing the lulavim not to separate the leaves from one another even though each leaf itself

remains intact. It is not as likely that the *Mishnah Berurah* means that one should be careful not to actively split the leaves around the lulav as he is examining the central leaf.

In Closing (Most of the Way)

In conclusion, there are two reasons to pursue a lulav with a closed top: to avoid the *p'sulim* of a mostly split lulav and of a lulav with a fork-shaped split. The *Shulchan Aruch* rules that a general split is only a problem if it is on all or most of the lulav leaves, which is uncommon. The Rama quotes that the Ashkenazic custom is to rule strictly even if only the middle leaf has a significant split. He then quotes that an ideal to strive for is to find a lulav that is not split at all. The *Taz* qualifies that to mean only if the split is larger than a *tefach*. Therefore, the *Mishna Berurah* suggests using a lulav that fulfills that ideal only if it is readily available. That seems to preclude investing large amounts of resources into procuring one.

The second reason to pursue a closed lulav is to avoid the *p'sul* of *himnik*, a fork split. The *poskim* rule that a fork split is a problem even if the length of the split is small, as long as it gives the appearance of a fork. Yet contemporary *poskim* emphasize that even though a fork split is a problem regardless of its length, it is only problematic if the distance between the two parts is significant. If there is a small separation and the split does not resemble a fork, the lulav would be kosher. Consequently, the concern

of a *himnik* does not require a person to pursue a completely closed lulav, as long as the split does not present itself as two disparate heads like the prongs of a fork.

May we speedily be privileged to bring lulavim that are *kosher l'mehadrin* in the newly rebuilt Beis Hamikdash for seven days in accordance with the Biblical requirement and rejoice with them on Sukkos in all of its glory.

Endnotes

- 1 Rif (*Sukkah* 15a in dapei haRif), Bahag (according to Rosh, *Sukkah* Perek 3 end of s"v 6 [with *Korban Nesanel's* emendation]), Rabbeinu Chananel (*Sukkah* 32a), Rambam (*Hilchos Lulav* 8:4), Raavad (*Lulav Hagadol* 26).
- 2 *Sukkah* 32a (d.h. *Nechlika*), *Bava Kamma* (96a *Nechlika*).
- 3 *Bava Kamma* *ibid*.
- 4 Rashi (32a), Rabbeinu Chananel (32a), Rosh (3:4), Rif (15a), *Aruch* (*Himnik*).
- 5 He does add that the *Chayei Adam* seems to disagree: רק דעת החיי אדם אינה כן שמפורש בלשונו בכלל קמ"ט סעיף י' שכתב אבל אם נתרוב הסדק עד שנראה הסדק וזהו שנקרא בגמ' שנסדק ומבואר שכל שנראה בו סדק נחשב לשיטתו כהימניק הפוסל.
- 6 The source of the *Magen Avraham's* ruling according to this approach would appear to be Rabbeinu Yerucham (*Nesiv* 8 Vol. 3 pg. 58c) quoted in the *Beis Yosef*, who writes: "ואם עשוי כהמניק פסול כשנסדקה גוף השדרה עם העלין של מטה ושני העלין האמצעיים לא נחלקו דאם נחלקו היינו נחלקה התיומת". This observation is made by the *Bikurei Yaakov*.



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