

## סוכה לא

A סוכה that was stolen is כשר under the following circumstances: If a person forces his way into a סוכה, he is יוצא the מצוה as he is only stealing ground, and ground cannot be stolen (though it is משמע from the מחבר that even if he did it against the will of the owner of the סוכה he is יוצא, the חזון איש writes that he is only יוצא if the owner does not mind). If the סכך or walls are stolen, then it depends on the thief if he is יוצא the מצוה or not. Although מעיקר הדין he should be required to return the materials themselves, there is a תקנת השבים made by the רבנן. This makes it easier for a thief to do תשובה, that instead of having to uproot the building that contains the stolen materials, he may return money. So if the person who stole agrees to pay the value of the material he sold, he is יוצא the מצוה of סוכה (even if, according to the משנה ברורה, he has not paid yet, as his desire to do תשובה enables the תקנת השבים to kick in, and therefore his סוכה does not contain stolen material). If he is not willing to pay, then writes the טור in the name of the בעל העיטור, he is not יוצא the מצוה of סוכה as there is no תקנת השבים.

If the סוכה was built on a temporary basis (as most סוכות are), the original owner of the material can demand the material back (instead of money) when the סוכה is dismantled after סוכות. If the walls of the סוכה are cemented in, he need not return the material.

Can a person enter a סוכה without permission and eat there? The משנה ברורה explains that if the owner is present, he might not

want someone to come in without permission, however, if the owner is not present, we can assume he would want someone to come in and do a מצוה with his סוכה, so he may enter and make a ברכה.

If a person is missing one of the four מינים, he should not replace it with another, nor should he add another מין to his four מינים.

If the ארבע מינים are dried out, they are פסול, but if they are withered, they are כשר.

A לולב from an אשירה or עיר הנדחת is פסול because since it stands to be destroyed, it has no intrinsic value, and cannot be used for the מצוה. A לולב of עבודה זרה, however, since it can be בטיל by an עכו"ם, which would then give it value, it may be used for the מצוה, even if it was not בטיל, but it cannot be used on the first day, as there is a חיוב of לכם, and something of עבודה זרה cannot meet that qualification. However, it is מותר to use after the first day, as even though it is אסור בהנאה, מצות לאו ליהנות ניתנו.

If the top leaves of the לולב are split, if it is open so that it looks like two leaves, then the לולב is פסול. If the תיומת (the middle double leaf) is open more than the majority, the לולב is פסול. Ideally, it should be totally closed.

If a לולב is bent over very far like a hunchbacked person the לולב is פסול. This refers to the spine of the לולב, but if the leaves of the לולב are bent, it is כשר.