

Good Condition

Excerpted and adapted from a shiur by Dayan Yehoshua Grunwald

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https://baishavaad.org/wp-content/uploads/2021/09/DEV81_010_Haazinu_Legal_Owner_Giving_and_Owning_Your_Daled_Minim.mp3

On the first two days of Sukkos, one must own the *arba'ah minim* in order to fulfill the mitzvah of taking them. Those who do not own their own *arba'ah minim* generally use someone else's set via *matanah al menas lehachzir* (giving a gift on the condition that it is returned afterward). But it is not clear whether *tenai kaful* (a double condition, i.e., where both the "if" and "if not" possibilities are expressed), which is necessary for conditions in other areas of halacha, is required here.

According to the Smag, one must make a *tenai kaful* when giving a *matanah al menas lehachzir* for *arba'ah minim*. The Mordechai disagrees and notes that *Rishonim* debate whether a *tenai kaful* is necessary for conditions outside of *gittin* and *kidushin* (such as for *mamonos*). The Mordechai states that the halacha follows the Rashbam that it is unnecessary for *mamonos*. The Bais Yosef (O.C. 658) cites this *machlokes* and rules that we follow the Mordechai with regard to *arba'ah minim*.

Although the Bais Yosef elsewhere (E.H. 38) cites both opinions and does not rule definitively like the Rashbam, the case of esrog may be more lenient for a number of reasons. These include the fact that perhaps there is a clear *umdena* that one wants the *tenai* to be valid even without the *tenai kaful* (Tosafos Kidushin 6b); *tenai kaful* may be unnecessary for *metaltelin* (Nesivos Hamishpat C.M. 207); and that even if the *tenai kaful* is needed but not performed, the recipient will still own the *arba'ah minim* (just that the condition of *al menas lehachzir* is invalid and it will not revert back to the owner) (Remach).

Some *Acharonim* are *machmir* that a *tenai kaful* should be added when borrowing *arba'ah minim* (Bikurei Yaakov; the Brisker Rav, cited in Mo'adim Uzmanim). However, the Kaf Hachaim rules that it is not needed, and it would seem that due to the considerations above, this is the basic halacha.