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Sukkah Daf 41

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Ashi said: The dispute concerns only the original produce itself,¹ but with regard to secondary produce,² both agree that [it can be deconsecrated] either by way of purchase, or by way of exchange; and the reason that the term ‘purchased’ was continually repeated is that since in the first clause the term ‘purchased’ was used it was used in the latter clause also.³

Ravina raised an objection against Rav Ashi: [It has been taught]: If a man has a sela of [the proceeds of the produce of] the Shemittah Year,⁴ and wishes to purchase with it a shirt, how should he proceed?⁵ Let him go to his regular shopkeeper⁶ and say to him, ‘Give me a sela worth of fruit and give it to him.’⁷ Then he tells him, ‘Behold this fruit is given to you as a gift’,⁸ and [the shopkeeper] answers him, ‘And here is a gift for you of a sela.’⁹ And the latter may purchase with it whatever he desires.¹⁰ Now here, surely, the sela is a secondary produce, and yet it teaches, does it not, [that it may be deconsecrated only] by way of purchase, and not by way of exchange?¹¹ — Rather, said Rav Ashi, the dispute [of Rabbi Elazar and Rabbi Yochanan]

centers around the secondary produce, but regarding the primary produce, all agree that [it may be deconsecrated] only by way of purchase, and not by way of exchange; and as to what has been stated: ‘Both the produce of the Shemittah Year and of ma’aser sheini [may be deconsecrated by exchange],¹² what is meant by ‘the produce of the Shemittah Year’ is the money for which the produce is exchanged. For if you will not say so, then ‘ma’aser’ also must mean actual ma’aser,¹³ surely it is written: You shall bind the money in your hand? Consequently, it must mean the money for which ma’aser [was exchanged], and so here also it means the money for which the produce of the Shemittah Year [is exchanged]. (41a1 – 41a2)

Mishnah: Originally, the mitzvah of lulav was for seven days in the Bais HaMikdash and for one day in the provinces. After the destruction of the second Bais HaMikdash, Rabban Yochanan ben Zakkai instituted that the lulav should be taken in the provinces for all seven days of Sukkos as a commemoration to the Bais

¹ That actually grew in the Shemittah year.

² The produce for which the original produce is exchanged.

³ Though actually one could exchange it as well.

⁴ Which must be spent in the same year.

⁵ In order to comply with the law which permits it to be spent for use in the same year only.

⁶ Who, on account of their acquaintance would be willing to oblige him.

⁷ The sela thus loses all its sanctity which passes over to the fruit.

⁸ And the shopkeeper eats during the Shemittah Year.

⁹ Which now possesses no sanctity.

¹⁰ The fruit becomes sacred and being given as a gift, can be eaten by the shopkeeper. The money has become redeemed in

the process of exchange and can, therefore, be used to purchase anything.

¹¹ Had the latter way been permitted there would have been no need to go to a shopkeeper. It would have been sufficient for the man to redeem the sela with any produce he has in his own house. How then could Rav Ashi maintain that secondary produce may be redeemed by way of exchange?

¹² Which would prove that the Shemittah produce itself may be redeemed by way of exchange.

¹³ I.e., that it may be exchanged for cattle, undomesticated animals or birds.

HaMikdash. He also instituted that the entire Day of Waving should be forbidden [for eating from the new crop of grain]. (41a2)

GEMARA: From where do we know that we must perform [ceremonies] in memory of the Bais HaMikdash? — Rabbi Yochanan replied: Since Scripture says: For I will restore health to you, and I will heal you of your wounds – the word of Hashem; because they [i.e., the nations of the world] have called you an outcast, - [saying] “She is Zion, there is none who seeks her.” ‘There is none that seeks her’, implies that she should be sought. (41a3)

The Mishnah had stated: And that the entire Day of Waving should be forbidden. What is the reason? — [One is not permitted to eat from the new grain the entire day of the sixteenth of Nissan. In the times of the Bais HaMikdash, the new grain could only be eaten after the omer offering was brought on the sixteenth of Nissan. Subsequent to the destruction of the Bais HaMikdash, one was Biblically permitted to eat the new grain on the sixteenth of Nissan in the morning. Rabban Yochanan Ben Zakkai was concerned of the following:] The Bais HaMikdash may be built speedily, and people might then say, “Did we not eat [the new grain] last year from the time that day dawned in the East? Let us now also eat it [from the same time]” and they would be unaware of the fact that in the previous year, when there was no Bais HaMikdash, once day dawned in the East it was permitted [to eat of the new grain], but now that the Bais HaMikdash is rebuilt, it is only the [waving of the] omer which [commences] the permission.¹⁴ But when [does this

assume the Bais HaMikdash to be] rebuilt? If you will say that it is rebuilt on the sixteenth [of Nissan], then obviously it is permitted to eat from the time that day dawned in the East?¹⁵ If, however, it is rebuilt on the fifteenth, why should it not be permitted after midday, for surely we have learned: Those that lived at a distance¹⁶ were permitted [to eat of the new grain] from midday onwards, because [they knew that] the Beis din would not be negligent in the matter? — This was necessary [only in case] it is rebuilt at night, or [on the fifteenth] close to sunset.¹⁷ Rav Nachman bar Yitzchak replied: Rabban Yochanan ben Zakkai instituted this in accordance with a principle of Rabbi Yehudah who holds that Biblically all that day¹⁸ is forbidden, since it is written: Until the “etzem” of this day, [which means] until the very day itself, and he is of the opinion that the expression ‘until’ is meant “until and including.” But does he hold a similar opinion? Does he not in fact disagree with him, as we have learned: When the Bais HaMikdash was destroyed, Rabban Yochanan ben Zakkai instituted that on the whole of the Day of the Waving it should be forbidden [to eat of the new grain]. Rabbi Yehudah said to him: But is it not forbidden Biblically, since it is written: Until the “etzem” of this day, [which means] until the very day itself? — It is Rabbi Yehudah who was under a misapprehension, He thought that [Rabban Yochanan ben Zakkai] meant that it was forbidden as a Rabbinical prohibition, but it is not so. He meant it as a Biblical prohibition. But does it not say, ‘He instituted’? — What is meant by ‘he instituted’ is that he expounded (the Biblical verse) and instituted the law accordingly. (41a3 – 41b1)

¹⁴ The distinction depends upon the apparent contradiction in the Scriptural verses which says: Until this very day until you have brought the offering, the first part of which permits it the moment day dawns, the second when the offering has been brought.

¹⁵ Since in the morning there was as yet no Bais HaMikdash.

¹⁶ From Jerusalem, and were, therefore, unaware when the court ordained the offering of the omer.

¹⁷ So that in either case there would be no time to prepare the omer, which necessitates great preparation, before midday on the sixteenth. On the question how the Bais HaMikdash could be rebuilt on the fifteenth day, being a Festival day, and that it cannot be built at night, Rashi answers that the the Mikdash of the future will descend miraculously from Heaven, and therefore, these restrictions do not apply.

¹⁸ Of the sixteenth of Nissan, the Day of Waving.

MISHNAH: When the first day of Sukkos occurs on Shabbos, the people would bring their lulavim to the synagogue on Friday, and the next day, which was Shabbos, they would come early to the synagogue and each person would recognize his lulav and take it. This is because the Sages said: One cannot fulfill his obligation on the first day of Sukkos with the lulav of his fellow, but on the remaining days of Sukkos, one may fulfill his obligation with the lulav of his fellow. Rabbi Yosi said: If the first day of Sukkos fell on the Shabbos, and a man forgot and carried out his lulav into a public domain, he is not liable, since he brought it out while under the influence [of a mitzvah].¹⁹ (41b1 – 41b2)

GEMARA: From where do we know this? — From what our Rabbis have taught in a Baraisa: ‘And you shall take’ [implies] that there should be a ‘taking’ with the hand of each individual, ‘to you,’ implies that it should be yours, excluding a borrowed or a stolen [lulav]. From this verse the Sages deduced that no one can fulfill his obligation on the first day of Sukkos with the lulav of his fellow, unless the latter gave it to him as a gift. And there was an incident where Rabban Gamliel, Rabbi Yehoshua, Rabbi Elazar ben Azaryah and Rabbi Akiva were journeying on a boat and only Rabban Gamliel had a lulav with him, which he had purchased for a thousand zuz. Rabban Gamliel first fulfilled his own obligation with the lulav and he then gave the lulav to Rabbi Yehoshua as a gift. Rabbi Yehoshua took it and fulfilled his obligation with it. And he then gave the lulav to Rabbi Elazar ben Azaryah as a gift. Rabbi Elazar ben Azaryah took it and fulfilled his obligation with it. And he then gave the lulav to Rabbi Akiva as a gift. Rabbi Akiva took it and fulfilled his obligation with it, and then he returned the lulav to Rabban Gamliel. – Why was it necessary to state that he returned the lulav to Rabban

¹⁹ He was so intent on the performance of the act that he inadvertently overlooked the fact that the day was the Shabbos on which such carrying is forbidden.

Gamliel? He teaches us something incidentally that a gift given on condition that it be returned is considered a gift.²⁰ As also follows from what Rava said: [If a man say to his fellow], ‘Here is an esrog [as a gift] on condition that you return it to me’, and the latter took it and fulfilled his obligation with it, if he returned it, he is regarded as having fulfilled his obligation, but if he did not return it, he is regarded as not having fulfilled his obligation. - For what purpose need he mention that [Rabban Gamliel] had bought it for one thousand zuz? — In order to let you know how the Sages of those times cherished the mitzvos. (41b2 - 41b3)

Mar bar Ameimar said to Rav Ashi: My father used to recite his prayers [while holding the lulav in his hand]. It was objected: A man should not hold his tefillin in his hand or a Torah scroll in his bosom while reciting his prayers, nor [while wearing his tefillin] should he urinate, or doze or sleep. And in connection with this Shmuel said: The same applies to a knife, a dish, a loaf of bread and money? — In the latter cases he is not performing a mitzvah, and therefore, would worry over them but in the former one he is fulfilling a mitzvah, and therefore, he would not worry over it.

It has been taught in a Baraisa: Rabbi Elazar ben Tzadok stated: This was the custom of the men of Jerusalem. When a man left his house he carried his lulav in his hand; when he went to the synagogue his lulav was in his hand, when he read the Shema and his prayers his lulav was still in his hand, but when he read in the Torah or recited the Priestly blessing he would lay it on the ground. If he went to visit the sick or to comfort mourners, he would go with his lulav in his hand, but when he entered the Bais Medrash, he would send his lulav by the hand of his son,

²⁰ Thus, the rabbis were able to fulfill their obligation with the lulav that belonged to someone else, despite the fact that the incident occurred on the first day of Sukkos when one is required to own the lulav.



his slave or his messenger. What does this teach us? — It serves to inform you how zealous they were in the performance of mitzvos. (41b3 - 41b4)

INSIGHTS TO THE DAF

Building the Gates of the Bais HaMikdash

Rabban Yochanan ben Zakkai instituted that one is not permitted to eat from the new grain the entire day of the sixteenth of Nissan. In the times of the Bais HaMikdash, the new grain could only be eaten after the omer offering was brought on the sixteenth of Nissan. Subsequent to the destruction of the Bais HaMikdash, one was biblically permitted to eat the new grain on the sixteenth of Nissan in the morning. Rabban Yochanan Ben Zakkai was concerned, however, that the Bais HaMikdash may be built the following year on the night of the sixteenth of Nissan and there would not be enough time to prepare the omer offering. People might then say that the new grain will be permitted in the morning just as it was the previous year. This assumption would be erroneous, because the previous year there was no Bais HaMikdash, thus there was no possibility of offering the omer, and for that reason the new grain was permitted in the morning. During the present year, however, there is a Bais HaMikdash and one must wait for the offering of the omer or one must wait until the end of the day. Rabban Yochanan Ben Zakkai therefore instituted that one was prohibited from eating the new grain the entire day of the sixteenth of Nissan. Rashi wonders how the Bais HaMikdash could be built on the night of the sixteenth of Nissan, as the Gemara in Shevuos 15b states that the Bais HaMikdash cannot be built at night. Rashi answers that it is only regarding a Bais HaMikdash built by humans that there is a restriction of building it at night. The third Bais HaMikdash, however, will descend from Heaven miraculously, thus there are no restrictions regarding the building of the third Bais HaMikdash. The *Maharil Diskin* is troubled by this answer, as the Jewish People have an obligation to build the Bais HaMikdash, so why would HaShem prevent us from

performing this mitzvah? The *Maharil Diskin* answers based on a Medrash in Eicha that states that when the Bais HaMikdash was destroyed, the gates of the Bais HaMikdash sank into the ground and in the future, the Jewish People will excavate the gates and affix them to the Bais HaMikdash. The Gemara in Bava Basra rules that one who secures the gates in an ownerless field is deemed to be the one who acquires the field. Thus, we will fulfill the mitzvah of building the Bais HaMikdash when we secure the gates of the Bais HaMikdash. This can also be the explanation of the words that we recite in the Shemone Esrei of Mussaf on the festivals, *show us its rebuilding and gladden us in its perfection*. The word for perfection is *tikkuno*, which can allude to the securing of the Bais HaMikdash gates.

DAILY MASHAL

Love Perverts Accepted Conduct

The Gemara records that Mar the son of Ameimar said that his father would pray with the lulav, i.e. Ameimar cherished the mitzvah of lulav so much that he would hold the lulav while praying. The term that the Gemara uses is *tzaluyei ka metzalei bei*. Regarding the verse that states *lo sateh mishpat*, you shall not pervert judgment, the Targum renders the translation *lo satzlei din*. This usage of the word *tzalei* refers to bending and twisting justice. Perhaps we can interpret the statement of the Gemara here homiletically to mean that normally one should not hold an object while praying because his preoccupation with the object will detract from concentrating on his prayers. Ameimar, however, cherished the mitzvah of lulav so much that he personified the statement of the Medrash that *Ahavah mekalkeles es hashurah*, the love for Hashem and his mitzvos perverts what is normally accepted behavior, and thus Ameimar held the lulav even while he was praying.