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Sukkah Daf 39

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Daf Notes is currently being dedicated to the neshamah of

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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

1. There is a dispute in the Gemara if the sanctity of Shemittah produce can be deconsecrated onto money by exchanging the money for the produce. All agree that when the produce is sold, the sanctity rests on the money. The dispute is when the owner attempts to exchange the produce for money. Rav Ashi qualifies this dispute as referring only to the deconsecrating of the money that was exchanged with Shemittah produce. All agree, however, that the Shemittah produce itself cannot be deconsecrated with an ordinary exchange as one can do with hekdesch. Rather, the Shemittah produce must be purchased. (41a1)
2. The Mishna states that originally, the mitzvah of lulav was for seven days in the Bais HaMikdash and for one day outside the Bais HaMikdash. After the destruction of the second Bais HaMikdash, Rabban Yochanan ben Zakkai instituted that the lulav should be taken for all seven days of Sukkos as a commemoration to the Bais HaMikdash. (41a2)
3. Rabban Yochanan ben Zakkai also 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. (41a2-41a3-41a4)

4. The Mishna states that 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. The reason each person was required to take his own lulav is because there is a Halacha that one must fulfill his obligation on the first day of Sukkos with his own lulav, so one was not permitted to take a lulav that belonged to someone else. (41b1)
5. The Gemara relates an incident where Rabban Gamliel, Rabbi Yehoshua, Rabbi Eliezer 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 the other rabbis so that they could discharge their obligation. The Gemara states that since it was recorded that Rabbi Akiva returned the lulav to Rabban Gamliel, we can deduce a law that a present given on condition that it be returned is considered a present. 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. From the fact that the Baraisa mentioned that Rabban Gamliel purchased the lulav for a thousand zuz, it

is evident how the sages of those times cherished the mitzvos. (41b2-41b3)

6. The Gemara states that one should not hold Tefillin or a Sefer Torah in his hand while he is praying Shemone Esrei. The reason for this ruling is because he will be concerned about protecting the Tefillin or Sefer Torah and he will not be able to concentrate on his prayers. Ameimar would hold his lulav while praying, and this was also the custom of the people of Jerusalem. The reason that they were permitted to hold the lulav while they prayed is because taking the lulav is a mitzvah and since they cherished the mitzvah, they were not preoccupied by its weight and by the necessity to guard the lulav from falling from their hands. (41b3-41b4)

INSIGHTS TO THE DAF

Building the Gates of the Bais HaMikdash

Rabban Yochanan ben Zakai 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.