



דף כא:

מפני שמעמידה בדבר המקבל טומאה

R' Yehuda (Mishna 21b) maintains that if one supports the *s'chach* of his *succah* on the frame of a bed, the *succah* is *posul*. One explanation given by the Gemara is that R' Yehuda is of the opinion that *s'chach* may not be supported by a *דבר המקבל טומאה* - an item susceptible to *tumah* and a bed frame is in the category of *דבר המקבל טומאה*.

Rashi explains [that R' Yehuda is of the opinion] that supporting *s'chach* with a *דבר המקבל טומאה* is tantamount to using such an item for the actual *s'chach* covering the *succah* - and as learned above (see דף יב), *s'chach* may not be made from a *דבר המקבל טומאה*.

The Rosh remarks that by the same token it should be forbidden to support *s'chach* with something that is not *גידולו מן הארץ* (does not grow from the ground), because *גידולו מן הארץ* is one of the requirements for *s'chach* (as learned on דף יב). He asks why then is it common practice for people to lay their *s'chach* directly on top of a stone wall (considering the fact that stones are not in the category of *גידולי מן הארץ*).

The Ran, in defense of this common practice, explains that the prohibition against supporting *s'chach* with a substance that is not valid *s'chach* is due to a rabbinic concern that one might come to use that substance for the actual *s'chach*. The sages applied this *issur* only to items for which there is a likelihood of such a mistake. The sages did not forbid supporting *s'chach* on a stone wall because they

did not consider it likely for one to cover his *succah* with stones.

Alternatively, the Sefas Emes explains that R' Yehuda did not forbid using walls of a *succah* (that are *מקבל טומאה*) to support *s'chach*. The sages were concerned that one might come to use the *s'chach* supports for *s'chach* only where one uses separate supports instead of the walls. In such a case, since the sole purpose of the supports is to hold the *s'chach*, there is a concern that one might confuse the *s'chach* supports with the *s'chach* itself and come to use an invalid substance as *s'chach*. This concern does not apply to the walls of a *succah* since their purpose is not solely to support the *s'chach* but to serve as the walls of the *succah* as well. The Sefas Emes explains that R' Yehuda is not referring to a *succah* in which the bed frame serves as its walls, for in such a case it is permitted to lay the *s'chach* on the bed frame. R' Yehuda is referring to a *succah* that has its own walls and he forbids using a bed frame as a separate support for the *s'chach*.

• Many authorities¹ do not rule in accordance with R' Yehuda on this matter and they permit using a *דבר המקבל טומאה* as a support for *s'chach*. The Magen Avraham,² however, writes that it is preferable to conduct oneself stringently and refrain from using a *דבר המקבל טומאה* as a support for *s'chach* (e.g., placing *s'chach* directly on metal poles), since several Rishonim rule in accordance with R' Yehuda.

• The Ramoh³ writes that one should not place a

ladder or bench (which are utensils that are (מקבל טומאה) on top of *s'chach* to secure them from blowing away [because this too is considered as though the *s'chach* is being supported via a המקבל טומאה].⁴

דף כב.

המעובה כמין בית אע"פ שאין כוכבים נראים בתוכו כשרה
1] The Mishna (22a) states that a thickly covered *succah* is valid even if the stars are not visible from inside the *succah*. The Gemara (22b) adds that Beis Hillel is of the opinion that even if the *s'chach* is so dense that it does not allow חמה כוכבי (the rays of the sun⁵) to penetrate, it is still valid. [Note: As mentioned above, Tosfos is of the opinion that rain-proof *s'chach* is *posul*.]

The Ran and Rosh, citing the Yerushalmi, state that Bais Hillel validates such a *succah* only *bedi'aved* (after the fact), but *l'chatchilah* (ideally) the *s'chach* should be sparse enough to allow sun rays to enter the *succah*.

[The Bach⁶ infers from the wording of the Tur that *l'chatchilah* even the nighttime stars should be visible from inside the *succah*. The Mishna Berurah⁷ rules, however, that those living in colder regions who are discomforted by the wind and cold need not conduct themselves in accordance with the Bach. In such regions one may place a dense covering of *s'chach* for protection from the elements even if this prevents visibility of the stars - as long as the sun rays are visible during the daytime.]

Two reasons are given for the requirement of star visibility.

(a) The Meiri explains that the sages are concerned that a *succah* which is very densely covered might resemble an ordinary house roof, leading one to think that a house roof is valid for a *succah* covering.

(b) The Pri Megadim⁸ explains that leaving one's comfortable home to dwell in a *succah* is a lesson on the transience of life on earth and that Hashem created the world [and controls it]. Observing Hashem's expansive handiwork (i.e., the stars of the heaven) from inside the *succah* inspires one to reflect on this sublime lesson.

2] The Pri Megadim, in keeping with his understanding of the requirement for star visibility, asserts that as long as there is an opening over one part of the *succah* through which the stars can be viewed, it is sufficient to remind one of the above lesson.

The Bikurei Yaakov⁹ disagrees and maintains that since the reason for the requirement is that one might confuse dense *s'chach* with invalid *s'chach* (such as a roof, as the Meiri says) dense *s'chach* should be treated as *s'chach posul* (*l'chatchilah*). Therefore, he says one should make certain that there are repeated small gaps in the *s'chach*, at least one every four tefachim, since four tefachim of *s'chach posul* invalidates a *succah*.

דף כג.

עמד ר' עקיבא ועשה סוכה בראש בספינה

The Mishna (22b) states that a *succah* built on top of a wagon or ship is valid. Rashi explains that even though the wagon is movable and it is very windy on top of the ship (making it likely for the *succah* to topple), the *succah* is valid because a *succah* need not be more than a temporary dwelling.

The Gemara relates that R' Akiva built a *succah* on a ship while travelling at sea one Succos. R' Gamliel maintained that R' Akiva's *succah* was invalid since the *succah* was not capable of withstanding the strong winds at sea and was likely to topple (as indeed was the case).

The *halacha* follows the Tanna of our Mishna and R' Akiva who validate a *succah* on a wagon and on a ship - as long as it is strong enough to withstand ordinary land winds (even if it is not strong enough to withstand ordinary sea winds).

The Magen Avraham¹⁰ infers from the above incident that the Mishna validates a *succah* on a ship even when the ship is in motion (because the Gemara indicates that R' Akiva was at sea when he built the *succah*).

The Pri Megadim¹¹ distinguishes between a ship and a wagon. He maintains that a ship-*succah* is valid even when in motion because it is common to dwell on a moving ship.¹²

However, a wagon-*succah* is valid only when the wagon is stationary because it is uncommon to live on a moving wagon.

The Bikurei Yaakov¹³ disagrees with this distinction and validates even a moving wagon-*succah*.

The sefer Succas Shaleim¹⁴ suggests that today when mobile homes are common, everyone would agree that a *succah* on top of a truck or van is valid even when in motion.

דף כד:

כל מחיצה שאינה יכולה לעמוד ברוח מצויה אינה מחיצה

Rav Acha bar Yaakov states that in order for a wall or partition to qualify as a legal mechitzah it must be sturdy enough to withstand a normal wind.

Even though this *halacha* was already taught on 23a (see above) where the Gemara states that the *succah* must be able to withstand normal [land] winds, Rashi indicates that Rav Acha bar Yaakov is teaching an additional point. Whereas the Gemara above teaches that a *succah* that is destined to topple in the wind is not valid, Rav Acha teaches that a mechitzah that merely sways in the wind is likewise not valid (even if it is fastened securely at one end and will not topple entirely).¹⁵

The Magen Avraham¹⁶ comments that *succah* walls must be steady and secured against possible swaying in the wind - even in the event there is no wind - such as a *succah* situated in an enclosed yard protected from the wind.^{17 18}

The Chazon Ish¹⁹ explains that a wall which can withstand the wind is valid even if it sways in the wind to and fro - unless the wind moves the wall to the extent that it becomes an invalid mechitzah. Rav Acha (who invalidates a wall which can sway in the wind) is referring to a wall or partition made of several segments which separate in the wind, leaving three-tefach gaps between the wall segments (or to a wall whose bottom moves three tefachim in the wind). Rav Acha is teaching that a *succah*-wall destined to sway in the wind and develop three-tefach gaps is not valid since a wall with three-tefach gaps is not a valid mechitzah. However, a wobbly wall which is anchored on bottom and

sways to and fro in the wind is valid.²⁰

Many authorities²¹ indicate that they are of the opinion that any un-sturdy wall which sways in the wind is not valid even if the wind does not create wide gaps in the wall (or under the wall).

Accordingly, one who makes a *succah* from fabric, such as canvass, must secure the walls so that they cannot sway in a normal wind (even if the *succah* is standing on one's porch where the wind does not blow too much).

The Shulchan Aruch²² discourages making a *succah* from fabric even if one secures the walls tightly with rope because of a concern that the knots might become undone on Yom Tov.²³

דף כה.

שלוחי מצוה פטורין מן הסוכה

The Mishna says that שלוחי מצוה - people who are traveling to a mitzvah (e.g., to redeem captives) - are exempt from the mitzvah of dwelling in a *succah*. This exemption is based on the general rule of העוסק במצוה פטור מן המצוה - one involved in the performance of a mitzvah is exempt from the performance of other mitzvos that he encounters. The braysoh derives this principle from the posuk בשבתך בדרך ובליכתך בדרך which implies that one who is occupied with the performance of a mitzvah is exempt from the mitzvah to recite *sh'ma*.

Tosfos (ד"ה שלוחי מצוה) asserts that involvement in a mitzvah only exempts one from a mitzvah whose performance conflicts and interferes with the first mitzvah. However, if one is traveling to perform a mitzvah and stopping on the way to eat in a *succah* will not obstruct his mission in any way, he is obligated to eat in a *succah*.

The Ohr Zaruah²⁴ disagrees, arguing that there would be no need for a posuk to teach that one is not obligated to cease the performance of one mitzvah in order to perform a second mitzvah, for there is no reason to think that the second mitzvah takes precedence over the first. The novelty of this principle is that one who is occupied in a mitzvah is exempt from a second mitzvah even if it possible to perform the second mitzvah in conjunction with the first.

[The Ohr Zaruah adds, however, that the rule of העוסק במצוה פטור מן המצוה applies only to one who is עוסק במצוה - actively involved - in a mitzvah, but not to one who is involved in a mitzvah which requires no action. One who, for example, is wearing a four-cornered garment with tzitzis is not exempt from all other mitzvos that he encounters throughout the day. (This is also the opinion of the Ran.)]²⁵

The Ritva (in defense of Tosfos) explains that without the posuk we would think that one has the option of abandoning the first mitzvah in favor of a second (especially if the second mitzvah is more significant than the first). The posuk teaches that while one is involved in a mitzvah, any mitzvah that he encounters should be treated as דבר רשות - a voluntary (non-mitzvah) act - and thus one is forbidden to withdraw from the first mitzvah in favor of a second mitzvah (even if the second mitzvah is more significant than the first).

The sefer Avnei Shayish²⁶ remarks accordingly that if an individual ignores the rule of העוסק במצוה פטור מן המצוה and abandons a mitzvah for the sake of another mitzvah, he cannot be מוציא others, meaning, he may not perform the second mitzvah on behalf of others. Since (with respect to this individual) the second mitzvah is considered a דבר רשות, this individual cannot be מוציא another person for whom the mitzvah is obligatory.

The sefer Bircas Habayis²⁷ adds that this individual (who abandoned the mitzvah that he was occupied with to perform a second mitzvah) may not recite a bracha on the performance of the second mitzvah, since with respect to him, the second mitzvah is considered a דבר רשות rather than an obligatory mitzvah.

The Succas Shaleim²⁸ disagrees and argues that the second mitzvah is viewed as a דבר רשות only while the individual is involved with the first mitzvah. However, once an individual abandons a mitzvah he was occupied with, albeit unlawfully, the next mitzvah that he performs is considered as much a mitzvah as the first mitzvah. The Succas Shaleim therefore argues that in such a case, one may recite a bracha over the second mitzvah and he also

may perform the mitzvah on behalf of others.²⁹

דף כו.

כותבי ספרים ומזוזות פטורין מק"ש והתפלה

R' Chaninah says that a *sofer* (scribe) who is involved in writing a sefer Torah, *tefillin* or mezuzos, and merchants who are involved in selling these items are exempt from reciting *sh'ma* and *tefillah*. [This exemption is based on the above mentioned rule of העוסק במצוה פטור מן המצוה.]

The Magen Avraham³⁰ infers from the words of Rashi (ד"ה תגריהן) that a merchant is classified as העוסק במצוה (one who is involved in a mitzvah) only if he distributes *tefillin* and mezuzos לשם שמים (for the sake of heaven), meaning, he does so [primarily] because he wants to make them available to people who cannot otherwise obtain them. However, if one's primary reason for selling these items is to earn a living, he is not considered העוסק במצוה and he is not exempt from other mitzvos that he encounters on the job.³¹

The Be'ur *Halacha*³² draws a distinction between those who write *tefillin* and those who sell them. Writing *tefillin* and mezuzos is an actual mitzvah act, for the Torah explicitly states וכתבתם לאות על ידיך וגו' - you shall write them etc. However, selling these items, although meaningful in that it facilitates mitzvos (called, הכשר מצוה - preparatory mitzvah act), is not an explicit commandment in the Torah. Thus, he suggests that although selling *tefillin* for monetary gain diminishes the significance of the act, writing *tefillin* is considered a mitzvah act even if the *sofer's* primary intent is to earn a living.³³

- The Levush³⁴ maintains that a *sofer* or *tefillin* merchant is exempt from reciting *sh'ma* and *tefillah* only when there is a customer on hand who absolutely cannot wait for his *tefillin* (e.g., he must leave on an important trip). Only in such a case is the merchant or *sofer* permitted to attend to his customer and forgo *sh'ma*. However, under normal circumstances a *sofer* may not forgo *sh'ma* and *tefillah* merely because he is occupied with his customers.

דף כז.

1] לילה הראשון חובה מכאן ואילך רשות

• The Mishna on 25a says that one is permitted to eat a snack (אכילת עראי - informal meal/refreshment) outside of a *succah*. The *halacha* follows Abaya (26a) who maintains that only a meal consisting of more than a *k'beitzah* of bread is considered a substantial meal which must be eaten in a *succah*. A meal/snack consisting of only a *k'beitzah* of bread or less (or of other foods such as fruit, fish or meat, see Yoma 79b) is considered insignificant and may be eaten outside the *succah*. [Note: The Rambam³⁵ writes that one who conducts himself stringently and refrains from eating a snack or drinking water outside a *succah* is praiseworthy - as indicated in the Mishna and Gemara on 26b (אם בא להחמיר) (ו'כו).]

• One is exempt from ישיבת סוכה (dwelling in the *succah*) when doing so is certain to cause him annoyance or distress (מצטער), such as during a rainstorm, see Gemara 26a and Mishna 28a.

R' Eliezer (Mishna 27a) says that on each day of Succos one is obligated to eat two meals (of bread) in a *succah*, one at night and one during the daytime.

The *halacha* follows the Chachamim who disagree with R' Eliezer and maintain that the only obligatory meal is the one eaten on the first night of Succos. [This obligation is derived via טייו טייו מהג (המצות) from the mitzvah of matzah (היקש). Just as eating matzah on Pesach is obligatory on the night of the fifteenth of Nissan (i.e., the first night of Pesach), so too, there is a mitzvah to eat in the *succah* on the night of the fifteenth of Tishrei. However, on the remaining days of Succos one can refrain from eating bread altogether thereby avoiding having to eat in the *succah*.]

• Question: Our Gemara indicates that one could avoid eating in the *succah* for the entire Yom Tov by abstaining from bread throughout Yom Tov, whereas the Gemara in Berachos 49b states that it is mandatory to eat bread meals on Yom Tov.

In answer, Tosfos (ד"ה אי בעי) asserts that the Gemara in Berachos which states one must eat bread on Yom Tov is referring only to the first night of Succos and Pesach. However, all other Yom Tov meals need not consist of bread/matzah.

2] Many Rishonim disagree with Tosfos and maintain that one is obligated to eat bread on each day (and night) of Yom Tov in honor of Yom Tov - as the simple reading of the Gemara in Berachos indicates. The Rishonim suggest several other answers to the above question:

(a) The Ran explains that one can fulfill the obligation of honoring Yom Tov with a single *k'zayis* - olive's volume - of bread. Thus, the Gemara means that one could avoid eating in the *succah* throughout Yom Tov by eating bread-meals consisting of only one *k'zayis* of bread (and there is no obligation to eat in the *succah* unless one eats more than a *k'beitzah*, which is more than two *k'zayisim*). However, on the first night of Succos there is a mandatory mitzvah to eat in the *succah* regardless, and thus eating in the *succah* cannot be avoided.

• This answer can be interpreted two ways (see Ran): Some authorities maintains that since as a general rule, *succah* is obligatory only for a person eating more than a *k'beitzah*, one cannot fulfill the mitzvah of *succah* on the first night unless he eats more than a *k'beitza*. Others maintain that on the first night of Succos one fulfills his *succah* obligation by eating just one *k'zayis* of bread in the *succah* because the mitzvah of *succah* on the first evening is compared to the mitzvah of matzah on Pesach (whereby the minimum *shiur* is only a *k'zayis*.³⁶)

(b) The Rosh (Berachos ibid.) submits that on the first night of Succos one is obligated to eat a meal in the *succah* even if it is raining, whereas on the rest of Succos one is exempt from eating in the *succah* if it is raining. When the Gemara says that one has the option of avoiding the *succah* for the entire festival except the first night, it means in the event of rain.

[Interestingly, the Ritva cites a novel opinion that just as one is obligated to eat in a *succah* on the first night of Succos even if it is raining,

so too, one is obligated to sleep in a *succah* on the first night of Succos even in the rain.]
 (c) Tosfos in Berachos (ibid.) takes an opposite approach, maintaining that one does not fulfill the mitzvah of eating in a *succah* if he eats in the rain (even on the first night). Tosfos says that on the first night of Succos if it stops raining after one has eaten his meal (whether he has eaten in the house or in the *succah* during the rain), he must eat another meal in the *succah* in order to properly fulfill the mitzvah. In contrast, on the rest of the festival one is not obligated to eat another Yom Tov meal in the *succah* after he has already eaten in the house. [See Ramoh in Shulchan Aruch, Orach Chaim 639:5, with Mishna Berurah, for practical ruling as to how one should conduct himself if it is raining on the first (and second) night of Succos.]

דף כח:

סד"א תשבו כעין תדורו

מה דירה איש ואשתו אף סוכה איש ואשתו

1] The braysoh (28a) derives from the posuk האזרח that women are exempt from the mitzvah of *succah*. The Gemara asks why is this posuk necessary; we know that women are exempt from *succah* based on the general rule נשים - women are exempt from time-related mitzvos. The Gemara answers that we would have thought that women are obligated in the mitzvah of *succah* because the posuk תשבו - you should dwell in the *succah* - connotes תשבו כעין תדורו - you should dwell in the *succah* in the same manner you dwell in your house. Since one dwells in his home together with his wife, we would have thought that women must dwell in a *succah* together with their husbands in fulfillment of the concept תשבו כעין תדורו. It was therefore necessary for the posuk to teach that women are exempt from *succah*.

The Ramoh³⁷ writes that in order to properly fulfill the concept of תשבו כעין תדורו it is a commendable practice, if possible, for one to construct a private *succah* so that he can sleep in the *succah* with his wife - in the same manner he dwells at home.

The Magen Avraham³⁸ notes that the Ramoh

seems to contradict our Gemara, for our Gemara concludes (based on the posuk האזרח) that despite the rule of תשבו כעין תדורו women are exempt from *succah*, thus indicating that there is no need for one's wife to sleep in the *succah*. What then, is the basis for the Ramoh's ruling that it is preferable to dwell in the *succah* with one's wife (based on תשבו כעין תדורו)?

The Magen Avraham answers that although (based on the posuk האזרח) women are under no obligation to join their husbands in the *succah*, the Ramoh holds that men (who want to meticulously fulfill their mitzvah) should try to accommodate their wives and persuade them to join them in the *succah* (to enable the men to properly fulfill their mitzvah of *succah* by making their *succah* dwelling כעין תדורו - similar to home dwelling).

2] The above-cited Ramoh suggests the reason many people today are lax in the mitzvah to sleep in the *succah* is that they find it difficult to construct a *succah* where they could sleep separately with their wives. The Ramoh rationalizes that one who lacks a private *succah* is exempt from sleeping together with others in the *succah* based on the rule תשבו כעין תדורו (since one cannot sleep there in the manner that he sleeps in his home, i.e., in a private room with his wife).

In a somewhat similar vein, the Taz³⁹ suggests that a married man is permitted to sleep in his house on Succos based on the Gemara on 27b which derives from the posuk ושמחת אתה וביתך - you should rejoice with your wife/family (Devarim 14:26) - that it is a mitzvah for one to remain home during the festivals so that he can celebrate Yom Tov with his wife and family.⁴⁰ Thus, by joining one's wife in the house he fulfills a mitzvah (of rejoicing on the festival with his wife), and as learned above (on דף כ"ה), one who is occupied with one mitzvah is exempt from another mitzvah (העוסק במצוה פטור מן המצוה).

דף כט.

ירדו גשמים מותר לפנות משתסרה המקפה

The Mishna (28b) says that if it rains

heavily enough to ruin one's food he is exempt from sitting in the *succah* based on the rule מצטער פטור מן הסוכה - one is exempt from dwelling in the *succah* if it causes him distress. [See above דף כז where the Rosh is cited as saying that this exemption does not apply on the first night of Succos.] The Mishna says that when we are forced to leave the *succah* due to rain it is considered a bad omen, for it is akin to a master who spills a pitcher of water in the face of a servant who comes to serve him.⁴¹

The braysoh (29a) adds that one is exempt from eating in the *succah* during the rain even if it is only raining heavily enough to ruin a dish of beans (which ruins easily in the rain, Rashi).

The S'mag⁴² asserts that this criterion applies even for one who is not eating a bean dish. The sages estimated that once it is raining heavily enough to ruin a bean dish there is sufficient discomfort to exempt everyone from sitting in the *succah*, regardless of the type of food he happens to be eating.

The Gemara adds that, if due to a rainstorm, one left his *succah* and continued his meal in his house and then it stopped raining, he need not return to the *succah* until he finishes his meal. Since interrupting one's meal to return to the *succah* is bothersome, one is exempt from doing so under the general rule of מצטער פטור מן הסוכה.

The Ramoh⁴³ writes that if one is exempt from dwelling in the *succah* (i.e., due to rain) and he continues to dwell there anyway, he does not obtain any reward for his actions; rather, he is labeled a "hedyot" (commoner) for trying to perform a mitzvah from which he is exempt.

The Bikurei Yaakov⁴⁴ maintains that the Ramoh's criticism of one who eats in the *succah* when exempt only applies to one who eats in the *succah* in a state of distress, such as during a rainstorm. However, if one interrupts his meal and returns to his *succah* after the rain has ended, he is praised rather than criticized, since such a person does not experience discomfort during the performance of the mitzvah.

The sefer Bircas Habayis⁴⁵ suggests that the Ramoh's criticism applies only to the exemption of rain since it signifies Hashem's disapproval

with our performance of the mitzvah - for it signifies a master who refuses the service of his servant and spills water on him. However, one is not admonished if he exerts himself and sits in his *succah* under other discomforting circumstances (such as when he is suffering from the cold or an illness).

The Maharshag⁴⁶ suggests that one who sits in his *succah* during a rainstorm is criticized because he has no right to sacrifice the mitzvah of שמחת יו"ט - rejoicing on the festival - by sitting in an uncomfortable *succah* when he is halachically exempt from doing so.⁴⁷ Accordingly, he defends the actions of several renowned Chasidic rabbis⁴⁸ who ate in the *succah* even during the rain. He explains that since they were so greatly devoted to the mitzvah of *succah* they experienced more שמחת יו"ט sitting in the wet *succah* than they would if they were to eat in the house (and therefore the exemption of מצטער did not apply to them).⁴⁹

דף ל.

1] דהוה ליה מצוה הבאה בעבירה

• The Torah (Vayikra 23:40) states, ולקחתם ביום הראשון וגו' לכם ביום הראשון וגו' - you shall take for yourselves on the first day of Succos the four species (i.e., the *esrog*, *lulav*, *haddasim*, and *arravos*). The mitzvah to take the four species on the other six days of Succos is a rabbinic enactment (see דף מא).

• The braysoh (below on 43a) deduces from the term לכם (for yourself) that ownership of the four species is required for the mitzvah; if one takes a borrowed or stolen *lulav* he does not fulfill the mitzvah. However, this condition of לכם (ownership) applies only on the first day of Succos; on the remaining days of Succos (when the mitzvah of *lulav* is of rabbinic origin) there is no requirement of "לכם", meaning, one may fulfill the mitzvah even with a borrowed *lulav* on those days.

The Mishna (29b) says that a לולב הגזול - stolen *lulav* - is invalid for the mitzvah. The Gemara infers from this Mishna that a stolen *lulav* is invalid on all seven days of Succos.

The Gemara asks why a stolen *lulav* is invalid for all seven days of the festival since the

condition of ownership (derived from the posuk **לכם ולקחתם**) applies only to the first day.

R' Yochanan answers one cannot fulfill the mitzvah with a stolen *lulav* because it is a מצוה הבאה בעבירה - a mitzvah that comes about through the commission of a sin. [He derives from a posuk that such a mitzvah is not sanctioned and is invalid.]

The Shulchan Aruch⁵⁰ cites the opinion of the Orchas Chaim that an object obtained by committing a sin is unfit for a mitzvah only with respect to the individual who committed the sin. However, if one performs the mitzvah with a *lulav* stolen by his friend, the rule of מצוה הבאה בעבירה does not apply and the mitzvah is valid (cf., Rashi 30b, ד"ה בידן).⁵¹

2] Tosfos (ד"ה משום) asks why the braysoh on 43a bases the disqualification of a stolen *lulav* on the requirement of "לכם" (which is a requirement that applies only on the first day of Succos); a stolen *lulav* should be disqualified based on מצוה הבאה בעבירה (which is a disqualification that applies the entire festival).⁵²

The Vilna Gaon⁵³ remarks that this question is resolved according to the Orchas Chaim cited above. Although the disqualification of מצוה הבאה בעבירה applies throughout the entire Yom Tov, it applies only to the thief himself and not to anyone else. The braysoh wants to inform us that there is an additional operative condition of לכם which applies to everyone. On the first day of Yom Tov, no one but the legal owner of a *lulav* can fulfill the mitzvah because the *lulav* must be "לכם".

[Indeed, the Shulchan Aruch (cited above) states that although one can fulfill the mitzvah with a stolen *lulav* (as long as one did not steal the *lulav* himself), such a *lulav* is not valid on the first day of Yom Tov, for it is lacking the requirement of לכם].⁵⁴

דף לא.

לא מצא אתרוג לא יביא פריש ולא רימון

The Gemara (beginning of 31b) relates that in places where fresh *lulavim* were unavailable for Succos, the people often used very old,

dried-out *lulavim* bequeathed to them by their grandfathers.

The Ravad⁵⁵ explains that even though these old dried-out *lulavim* were not valid for the mitzvah and the people could not recite a *bracha* over them (על נטילת לולב), nevertheless, in the absence of valid *lulavim* these old *lulavim* were taken [in conjunction with *esrogim*] לזכרון - בעלמא שלא תשכח תורת לולב - as a mere remembrance, in order that the mitzvah or concept of *lulav* not be entirely forgotten.⁵⁶

The Gemara (31b) says that in a year in which there are no *esrogim*, one might have thought that it is worthwhile to substitute a different fruit, such as a pomegranate, in place of the missing *esrog* [to be taken on Succos together with the *lulav*, *haddasim* and *arravos*] "שלא תשכח תורת אתרוג" - so that the concept of *esrog* not be forgotten. The braysoh teaches, however, that one should not use a substitute fruit in place of a missing *esrog* because it might lead to a mistake. In the following years some people might erroneously use a pomegranate in place of a valid *esrog*, thinking a pomegranate is valid for the mitzvah.

The Ravad⁵⁷ explains that the Gemara means to say that in the absence of the *esrog*, the three remaining available species (i.e., the *lulav*, *haddasim* and *arravos*) should be taken alone without the *esrog*. Even though the Gemara says on 34b that די מינים שבלולב מעכבים - the four species (i.e., *lulav*, *esrog*, *haddasim* and *arravos*) are interdependent - and thus a *bracha* may not be recited unless one has all four species, nevertheless, the available species should be taken (without reciting a *bracha*) "לזכרון בעלמא שלא תשכח תורת אתרוג" - as a mere remembrance, so that the concept of *lulav* and *esrog* not be forgotten.

[The Ravad explains that we are not concerned that in future years people might erroneously use only three species and omit the fourth because the Torah specifically lists four species for the mitzvah. Also, we are not concerned that by allowing the use of invalid, dried-out *lulavim* one might use these type of *lulavim* in the future because everyone understands that a fresh *lulav* should be used

when available. The sages were only concerned about mistakenly using a pomegranate or other such fruit instead of an *esrog* because the Torah does not explicitly spell out the name of the fourth specie; it merely describes it as "פרי עץ הדור" - fruit of a beautiful tree - thus leaving room for a mistake.]

The commentators ask why taking three species is not a violation of the issur "בל תגרע" - do not reduce the mitzvos of the Torah (Devarim 4:2 and 13:1). If one of the four species is unavailable, presumably, it would be better not to take any species at all, rather than perform the mitzvah with only three species which is a seeming violation of *בל תגרע*.

The Turei Even⁵⁸ suggests that the issur of *בל תגרע* applies only in cases in which one fulfills a mitzvah in a diminished manner, meaning, he performs a portion of a mitzvah and fails to complete the mitzvah. However, failing to fulfill a mitzvah altogether is not a violation of *בל תגרע*. Since all four species are interdependent and taking only three species is not a fulfillment of a mitzvah at all, it is not a violation of *בל תגרע*. The Turei Even concedes, however, that this approach seems to be in contradiction with the Sifri (cited by Rashi in Devarim *ibid.*, 4:2) which cites the case of taking three species with the *lulav* instead of four, as an example of the issur of *בל תגרע*. Also, the Rashba (Rosh Hashana 16b) seems to indicate that failing to perform a mitzvah altogether is a violation of *בל תגרע*.

The Bais HaLevi⁵⁹ answers that although one who takes only three species and omits the fourth is in violation of *בל תגרע* (as the Sifri says), if one does not take any of the species at all he is also in violation of *בל תגרע* (as the Rashba indicates). Therefore, in a case in which one of the species is unavailable, the violation of *בל תגרע* is unavoidable, for in either case there will be a situation of *בל תגרע* (whether one does not take any of the species or he takes three).⁶⁰ Therefore, when the fourth specie is unavailable there is no harm in taking the three available species as a mere remembrance.⁶¹

2]

הירוק ככרתי

From the fact that the Torah refers to an *esrog* as פרי עץ הדור (lit., fruit of a beautiful tree) the Chachamim derive that certain types of unattractive *esrogim*, such as those that are dried out or peeled, are disqualified because they lack the standard of הדור - beauty.

R' Yehuda states that an old (dried out) *esrog* is valid but a green *esrog* is invalid. The Gemara explains that R' Yehuda validates a dried out *esrog* because he disputes the Chachamim's requirement of הדור and validates even an ugly *esrog*. The Gemara explains the reason R' Yehuda invalidates a green *esrog* is not because it lacks beauty but because it is an unripe fruit (and thus is not classified as an *esrog*).

Tosfos (ד"ה הירוק) states that an *esrog* that was harvested when it was completely green is valid as long as it eventually turns yellow. The Taz⁶² explains that even if the *esrog* is entirely green throughout the festival, it is still valid, as long as it is sufficiently developed to the point that it will eventually turn yellow.

The Bach disagrees and maintains that an entirely green *esrog* (which will eventually ripen and become yellow) is valid only according to R' Yehuda who disputes the requirement of הדור. The Bach argues that according to the Chachamim, however, whom the *halacha* follows, a green *esrog* is *posul* because it lacks the requisite of הדור,⁶³ even if it is destined to eventually turn yellow. Furthermore, he argues that it is not sufficient if an *esrog* merely begins yellowing before Succos; rather it must be at least fifty-percent yellow in order for it to be considered הדור.⁶⁴

The Mishna Berurah⁶⁵ rules in accordance with the lenient opinion of the Taz and validates a green *esrog* - as long as it is destined to eventually turn yellow. However, he says that since it is difficult to ascertain whether or not an entirely green *esrog* will eventually ripen, one should not use a green *esrog* before it shows some signs of yellowing.⁶⁶

דף לב.

לולב שנחלקה התיומת פסול

1] The Mishna (29b) says that a *lulav* שנקטם - whose tip was severed or whose leaves were torn off from the שדרה (spine) is *posul* because it lacks the condition of הדר (Rashi).

The *halacha* follows R' Yehoshua ben Levi (32a, second version) who adds that נחלקה התיומת (a *lulav* whose twin-leaf is split) is also *posul*.

The meaning of התיומת נחלקה, however, is subject to dispute:

(a) The Rif explains that leaves of a *lulav* usually grow as double leaves and נחלקה התיומת refers to a *lulav* whose leaves have split open. The Ran explains that according to the Rif such a *lulav* is *posul* only if the majority of all the *lulav* leaves are split (most of the way down). However, if only a few leaves are split open, the *lulav* is valid (even if the middle-leaf is split).

(b) Rashi explains that the תיומת refers to the center-leaf that protrudes from the שדרה until the top of the *lulav*. He explains that if this leaf is split open all the way down to the שדרה so that part of the שדרה is split, the *lulav* is *posul*. However, if only the top of the center-leaf is split (but not any part of the שדרה), the *lulav* is valid.⁶⁷

(c) The Ran also says that the תיומת refers to the center-leaf but he has a more stringent opinion than Rashi. He holds that the *lulav* is *posul* even if the שדרה is not split; rather, as long as the greater part of the upper portion of the תיומת (from the שדרה to the top) is split, the *lulav* is *posul*.

(d) The Ritva cites an opinion that the *lulav* is *posul* even if just a small portion of the center-leaf is split.⁶⁸

2] The Shulchan Aruch⁶⁹ rules in accordance with the lenient opinion of the Rif and does not invalidate a *lulav* unless the majority of its leaves are split open. The Ramoh, however, writes that our custom is to follow the more stringent opinion and we do not use a *lulav* whose center-leaf is split down to the שדרה (or

most of the way down). Moreover, he writes that ideally, one should conduct himself in accordance with the Ritva and should attempt to obtain a *lulav* whose center-leaf is entirely intact.

The Taz⁷⁰ maintains that a *lulav* whose center-leaf is split less than a tefach (3-4 inches) is considered entirely intact and is valid even according to the stringent view of the Ritva. The Chayai Odam⁷¹ disagrees and maintains that it is preferable to take a *lulav* that is completely closed.

The Vilna Gaon⁷² explains that the reason the Ritva disallows a *lulav* which is only partially split open is because of a concern that the small split will become bigger when waving the *lulav* throughout the course of the festival.

Accordingly, Horav Yisrael Yaakov Fisher of Yerushalaim⁷³ submits that a *lulav* which was partially split open and was glued shut is valid according to all opinions. Even the Ritva would agree that it is valid since it is no longer destined to open any wider.⁷⁴

דף לג:

ערבי נחל הגדילין על הנחל

The Torah says that one must take ערבי נחל (stalks of a brook willow) together with the *lulav*, *esrog* and *haddasim*. The Gemara cites several opinions regarding the requirement of ערבי נחל.

- Braysoh A states that the term נחל ערבי - denotes willows that grow near water. Alternatively, the braysoh says that the term נחל implies a willow whose leaves are long like a stream, not round.

- Braysoh B states that the plural term נחל ערבי includes all types of willows even those growing in a field or mountain (away from water) - as our Mishna states.

- R' Yishmael (34b) derives from the plural term ערבי that one must take [at least] two *arravos* with his *lulav*. R' Akiva disagrees and says that a single *arrava* is sufficient.

Tosfos (34a, ד"ה ורבנן) assert that R' Yishmael and the Tanna of Braysoh B are mutually exclusive because the plural term ערבי can be used for only one *derasha*.⁷⁵ Since R'

Yishmael uses the term ערבי to teach that two *arravos* are required, he cannot derive from that term that willows which grow away from water are valid. [Conversely, the Tanna of Braysoh B who says that the term ערבי includes mountain and field willows must agree with R' Akiva who does not require two *arravos*.] Consequently, says Tosfos, since the *halacha* follows R' Yishmael who requires two *arravos*, it follows that only branches of a willow growing near a brook are valid (as the Tanna of Braysoh A says).

Rashi adds that even the Tanna of Braysoh B (who validates field and mountain willows) agrees that לכתחילה - preferably - one should take willow stalks growing near water (since the simple reading of the posuk implies that a brook-willow is required).⁷⁶

The Rosh disagrees with the rulings of Rashi and Tosfos, arguing that he has never witnessed his teachers making a special effort to find brook-side willows; rather they would use willow stalks from any location.

The Rosh, therefore, explains that the term ערבי נחל does not necessarily imply a brook-side willow, but rather is a term that describes the willow specie which generally grows near water.⁷⁷ Alternatively, the term נחל describes the willow species whose leaves are long rather than round. Therefore, even though the *halacha* follows R' Yishmael who does not use ערבי to include willows that grow away from water, as long as the *arravos* are taken from a tree belonging to the willow species which has round leaves and generally grows near water, the *arravos* are valid. [Note: All agree that the willow species called צפצפה is *posul* since it has round leaves and generally grows in mountainous areas.]⁷⁸

While the Tur⁷⁹ says it is a *מצוה* (exemplary mitzvah) to use *arravos* from a willow tree growing near a brook, the Shulchan Aruch omits mention of such a preference.⁸⁰

דף לד:

ד' מינים שבלולב מעכבין זה את זה

1] The Gemara derives from the term ולקחתם - שתהא לקיחה תמה (i.e., *lulav*, *esrog*, *haddasim* and *arravos*) are

interdependent. The Rambam⁸¹ explains that the combination of all four species comprise only one mitzvah, not four. Therefore, if one takes only three species he has not fulfilled any mitzvah at all.⁸²

The Gemara in Menachos 27a concludes that although the four species comprise one mitzvah, as long as one has all four species [present], the mitzvah is fulfilled (יש לו אין) (מעכבין) and the species need not be fastened together. [This is because the *halacha* follows the opinion that צריך אגד אגד אגד אגד - the *arravos* and *haddasim* need not be fastened to the *lulav*. Although it is a *הידור מצוה* (embellishment of the mitzvah) to fasten the species to the *lulav*, it is not מעכב - the binding is not critical to the fulfillment of the mitzvah.] The interpretation of this *halacha* (יש לו אין מעכבין) is subject to dispute among the Rishonim:

(a) Rabbeinu Tam⁸³ is of the opinion that although binding the species together is not an absolute requirement, it is essential that one hold all of them in his hands simultaneously. If one takes each of the species individually, he does not fulfill the mitzvah.

(b) The Bahag⁸⁴ (as understood by the Rosh) is of the opinion that one fulfills the mitzvah even if he takes each specie in his hand individually, as long as all four species are in his presence (at the time of the *bracha*).

(c) The Ramban⁸⁵ is of the opinion that the mitzvah is fulfilled as long as all four species are eventually taken at some point during the day - even if they aren't all present when the *bracha* is recited.

2] Although the Ramban is of the opinion that one fulfills the mitzvah even if he takes the four species at separate times throughout the day, he says that it is not advisable to recite the *bracha* unless one is certain that he will eventually obtain all the species (e.g., all of them are in his possession). The Ramban is concerned that if all the species are not in one's possession, the individual might fail to eventually obtain the missing species and the mitzvah would remain unfulfilled and the *bracha* in retrospect would turn out to be in vain.⁸⁶

The Ramoh⁸⁷ rules that one may not speak between the taking of one species and the next. He says that if one interrupts between taking the *lulav* and taking the other species, he must recite another *bracha*.⁸⁸ [Accordingly, even if one is certain that he will eventually obtain all the species later in the day, he should not recite the *bracha* over the *lulav* until he has all four species in his presence so that he should not mistakenly make a הפסק (interruption) between taking the *lulav* and the other species.⁸⁹]

The Magen Avraham and Eliyahu Rabba⁹⁰ indicate that if one makes an interruption after taking the *lulav*, he does not recite the usual *bracha* לולב על נטילת on the other species. Rather, he takes the remaining three species and recites a *bracha* pertaining only to those species, namely, על נטילת הדס וערבה ואתרוג.

The Mishna Berurah,⁹¹ however, questions this ruling. He argues that since the four species are interdependent, perhaps the *lulav* should be taken again (since there was an interruption between the species) and the (standard) *bracha* לולב על נטילת should be recited on all four species. [See below דף ל"ז where the reason for the standard text of על לולב נטילת is explained.]

דף לה.

פרי עץ הדר שטעם עצו ופריו שוה

The braysoh explains how we know that the term פרי עץ הדר (lit., the fruit of a beautiful tree, Vayikra 23:40) refers to an *esrog*.

(a) The first Tanna explains that the extra word עץ (tree) implies a tree which tastes the same as its fruit, as is the case with regard to an *esrog*.

(b) Rabbi explains that the term הדר should be read הדיר which implies a fruit which remains on the tree even after the fruit of the new season has sprouted.

(c) Similarly, R' Avahu explains that the term הדר is interpreted to mean a species which dwells [on the tree for several seasons]. Thus, it refers to an *esrog* which, unlike other fruit, remains on the tree long after it has ripened.

(d) Ben Azai explains that הדר is read as אידור, meaning water (in Greek). It refers to an *esrog* which is a fruit that requires many sources of

water, namely, irrigation as well as rainfall.⁹²

The Panim Meiros⁹³ addresses the legitimacy of a מורכב (hybrid *esrog*, e.g., the fruit produced from an *esrog* shoot grafted with a lemon tree). He argues that since a *murkav* (hybrid *esrog*) contains all the properties that identify a פרי עץ הדר, it should be valid for the mitzvah [if no genuine *esrog* is available].⁹⁴

The Ramoh,⁹⁵ however, argues that since the sages identify פרי עץ הדר as an *esrog*, we cannot validate a *murkav* even if it contains all the characteristics that are derived from the term פרי עץ הדר. He argues that if any fruit that possesses the פרי עץ הדר properties is valid, then other citrus fruits, such as an orange and lemon, should also be valid, because they too, contain the aforementioned characteristics.⁹⁶

The Ritva explains that the purpose of the braysoh is not to prove the identity of פרי עץ הדר. The fact that the fourth species required by the Torah to be taken with the *lulav* is an *esrog* is known to all by oral tradition from generation to generation from the times of Moshe Rabbeinu (as revealed to him by Hashem at Mount Sinai). Rather, the purpose of the braysoh is merely to expound on the exact interpretation of פרי עץ הדר and to explain how this verse alludes to the *esrog*. [Therefore, the identity of פרי עץ הדר cannot be challenged, even if there are other fruits that meet the conditions mentioned in the braysoh.]⁹⁷

The consensus of most authorities is that a *murkav* is *posul* and therefore care must be taken to obtain a pure-bred *esrog* for the mitzvah.⁹⁸

The Maharam Alshich⁹⁹ suggests that a *murkav* is viewed as half-*esrog* and half-lemon and may not be used because it comes under the p'sul of אתרוג החסר - a deficient *esrog*.¹⁰⁰

Alternatively, the Levush¹⁰¹ invalidates a *murkav* because נעבדה בו עבירה - it is the product of a sin (since grafting fruit trees is forbidden under the issur of כלאים), and an item produced through a transgression may not be used for a mitzvah.¹⁰²

דף לו:

ר' חנינא מטביל בה ונפיק בה

The Gemara (36b) relates that R' Chaninah

ate a portion of his *esrog* and then used it for the mitzvah. The Gemara finds this difficult in light of the Mishna (34b) which says that an *esrog* which is missing a portion is *posul* as derived from the term ולקחתם which implies that one must take לקיחה תמה (a complete *esrog*, Rashi 36b, ד"ה ומשנין).

In answer, the Gemara says that the requirement of taking an intact, unbroken *esrog* applies only on the first day of Succos (when the mitzvah of the four species is *min haTorah*). R' Chaninah used the nibbled *esrog* on the other days of Yom Tov when a deficient *esrog* is valid.

The commentators ask several questions regarding this incident involving R' Chaninah.

(a) The Gemara on 38a indicates that it is forbidden to eat a meal on Succos before performing the mitzvah of *lulav*. Consequently, Tosfos (46b, ד"ה אתרוג בשביעי) asks how R' Chaninah was permitted to eat a portion of his *esrog* before performing the mitzvah.¹⁰³

(b) Secondly, asks Tosfos, the Gemara (37b) says that an *esrog* that is הוקצה למצותו - designated for the mitzvah - may not be eaten. How then, was R' Chaninah permitted to eat a portion of his *esrog*?¹⁰⁴

(c) The Aruch Laner asks that even though a deficient *esrog* is valid after the first day, it is certainly preferable to use a complete *esrog* on all seven days of Yom Tov (hiddur mitzvah).

In answer to these three questions, the Aruch Laner suggests that the circumstances were such that R' Chaninah was unable to obtain all four species for the mitzvah; he owned only an *esrog* and was unable to acquire the other species. As learned above the four species are interdependent and one cannot fulfill a mitzvah with only an *esrog*. Hence, since R' Chaninah did not anticipate receiving the other species and he did not think he would be able to perform the mitzvah, the *esrog* was not considered הוקצה למצותו - designated for the mitzvah. Furthermore, he was permitted to eat it even though he had not yet performed the mitzvah of *lulav* because one who does not have the four species (and does not anticipate obtaining them) is not obligated to fast.¹⁰⁵ In

the end, after eating part of his *esrog* R' Chaninah unexpectedly managed to obtain the other three species and he had no choice but to use the nibbled *esrog* for the mitzvah.¹⁰⁶

דף לז:

מברכין על נטילת לולב הואיל וגבוה מכולם

As mentioned on דף ל"ד, it is a mitzvah to bind the *haddasim* and *arravos* to the *lulav* (although it is not מעכב). The Gemara on 34b derives from a posuk (כפת) that the *esrog* is not bound together with the other species, but is held separately. [The Beis Yosef,¹⁰⁷ citing the Yerushalmi, states that if one holds the *esrog* together with the other three species in one hand, he has not fulfilled the mitzvah.¹⁰⁸]

Rava (37b) says the *lulav* should be held in the right hand (which is the more significant hand) and the *esrog* in the left hand, because the *lulav* (which is bound with the *haddasim* and *arravos*) is comprised of three species and is therefore more significant than the *esrog* which is held alone.

R' Yirmiyah questioned R' Zerikah as to why the *bracha* is recited specifically on the *lulav* (לולב על נטילת) rather than the other species.

R' Zerikah explained that the *lulav* is more significant (even than the *esrog* which is mentioned first in the posuk¹⁰⁹) because the *lulav* tree (i.e., palm tree) is taller than the other trees.¹¹⁰

The Gemara in Berachos 43b indicates that when reciting a *bracha* over something, one should hold the item in his right hand. Hence, the Magen Avraham¹¹¹ asks that it should have been obvious to Rava that the *lulav* must be held in the right hand since the *bracha* is recited on the *lulav* (as explained by R' Zerikah). Why was it necessary for Rava to state an additional reason as to why the *lulav* is held in the right hand.

In answer to this question, the Zera Emes¹¹² explains that the *bracha* לולב על נטילת is not a *bracha* that pertains specifically to the *lulav*, but rather the term *lulav* refers to the entire group of four species. He explains that (with regard to the *bracha*) the entire group is labeled "*lulav*"

(due to the special significance of the *lulav*) and thus the *bracha* is actually being recited over all four species.¹¹³ Consequently, if indeed the *esrog* is considered more significant than the *lulav* (and the other two species) we would hold the *esrog* in the right hand during the *bracha* despite the fact that the text of the *bracha* is על נטילת לולב - since the *bracha* is actually recited over all four species. [Therefore, it was necessary for Rava to explain that *lulav* must be held in the right hand because it consists of three species and is more significant than the *esrog* which is held alone.]¹¹⁴

**דף לה:
מכאן לשומע כעונה**

The Gemara says that one who is obligated to recite a *bracha* or a prayer discharges his obligation merely by listening to his friend recite it based on the principle שומע כעונה - listening is tantamount to reciting. [Note: In order for this principle of שומע כעונה to operate, the reader must be מחויב בדבר - subject to the same obligation as the listener, and he must have כוונה - intent - to read it on behalf of the listener. Also, the listener must have כונה to be יוצא - to discharge his obligation - by listening.]

Rashi explains that an unlearned person can discharge his obligation to pray by listening to his friend recite the prayers. Also, one who is in the middle of sh'moneh esray and cannot respond to kaddish or kedusha should pause and listen to the recitation of the shaliach tzibur and it is considered as though he has responded to kaddish and kedusha himself.

HoRav Betzael HaKohen of Vilna relates (in his *sefer Reishis Bikurim*) that when visiting the sefardic community in Trieste, Italy, he was given the honor of reciting *Birchas Kohanim* on behalf of all the other *Kohanim* present. The prevalent custom in that city was for one Kohen to recite *Birchas Kohanim* on behalf of the others based on the principle of שומע כעונה.

The *Bais Halevi*¹¹⁵ disputes this custom asserting that the concept of שומע כעונה does not apply to *Birchas Kohanim*. The Gemara in Sotah 38a derives from a posuk that the *Kohanim* are obligated to recite *Birchas*

Kohanim בקול רם - in a loud voice. The *Bais Halevi* argues that even though listening to a friend's recitation of *Birchas Kohanim* is as good as reciting it, the condition of קול רם is lacking because the act of listening is not better than the act of reciting *Birchas Kohanim* in a low voice.¹¹⁶

The *Chazon Ish*,¹¹⁷ however, suggests that the principle of שומע כעונה teaches that the recitation of the reader is attributed to the listener since it was recited on his behalf. Thus, if a *Kohen* listens to his fellow *Kohen* recite *Birchas Kohanim* loudly on his behalf, it is considered as though he recited it בקול רם himself and he discharges his obligation.¹¹⁸

דף לו.

כל המצות כולן מברך עליהם עובר לעשייתן

Rav Yehuda said in the name of Shmuel that a *bracha* on a mitzvah must be recited עובר prior to the performance of the mitzvah - not after the mitzvah. The Rishonim¹¹⁹ add that the proper time to recite the *bracha* on a mitzvah is when one is ready to immediately perform the mitzvah, not a long time before the mitzvah.

Tosfos questions as to the proper time to recite the *bracha* on the *lulav*. On the one hand, one cannot recite the *bracha* before removing the four species from their containers because that is too early. On the other hand, if one waits until after he takes the four species in his hand it would be too late for the *bracha*, because as soon as one takes the four species in his hand he has already fulfilled the mitzvah.¹²⁰

Tosfos offers four suggestions:

- (a) One should recite the *bracha* while holding only the *lulav* (without the *esrog*).
- (b) One picks up the *esrog* and the *lulav* but holds the *esrog* in an invalid position (i.e., upside down), and turns it over immediately after the *bracha*. [In these two cases the *bracha* is considered עובר לעשייתן since, as learned above, all four species are interdependent, and prior to holding the *esrog* one has not yet fulfilled any mitzvah.¹²¹
- (c) One picks up all four species (and holds

them in their proper position) with the expressed intent that he does not want to be יוצא - fulfill the mitzvah - until after the bracha.

(d) One picks up all four species (with the intent to be יוצא) and recites the bracha prior to the waving. Even though waving the lulav is not essential to the fulfillment of the mitzvah, Tosfos postulates that the condition of reciting a bracha prior to the completion of the entire mitzvah (including the added portion of the mitzvah which is performed for hiddur mitzvah).¹²²

If one forgot to recite the bracha on his lulav until after he performed the נענועים

(waving), the Chayai Odam¹²³ says that he can still recite the bracha as long as he has not recited hallel.¹²⁴ He explains that waving the lulav during hallel is also considered part of the mitzvah and until one completes that portion of the mitzvah it is still considered עובר לעשייתן and the bracha may be recited.

The Bikurei Yaakov¹²⁵ adds that the mitzvah of lulav is not considered completely finished until after the הושענות ritual (when the bimah is circled while holding the lulav). He asserts that one who forgot to recite the bracha may do so even after hallel, as long as he has not recited הושענות (even though הושענות is only a minhag and is not an integral part of the mitzvah).¹²⁶ ■

דף כא

1) הבי"י כתב בסוף סימן תר"ל שכן דעת רוב ראשונים לפסוק כחכמים דמתני' דחולק על ר' יהודה וס"ל דמותר להעמיד סכך על דבר המק"ט וסתם כן בשו"ע סימן תר"ל סעיף י"ג, וכן דעת הרמב"ם בפ"י המשני כאן, ובעל המאור כאן וכ"כ הט"ז בסימן תרכ"ט סק"י ומג"א שם בשם הלבוש (וע"ע בתוסי' בשם ירושלמי הבנה אחרת בדעת ר"י).

2) בסימן תרכ"ט סק"ט (מובא במשנ"ב בסוף סימן תר"ל), וכן הבין שכנה"ג בדעת השו"ע שם, וכן דעת המאירי כאן (ועי' ברא"ש כאן דמסיק דלא בא ר"י אלא לפרש דברי ת"ק ולא פליגי).

3) סימן תרכ"ט ס"ז, ע"ש במשנ"ב ס"ק כ"ד בשם ביאר הגר"א.

4) ועי' מג"א שם בסימן תרכ"ט שם דמעמיד דמעמיד אין קפידא (מובא במשנ"ב שם ס"ק כ"ח), ועי' מש"כ החו"א סימן קמ"ב בענין מעמיד דמעמיד וע"ע פרמ"ג סי' תרמ"ג מ"ז סק"ג.

דף כב

5) ע"פ רש"י שמפרש כוכבי חמה "זהרורי חמה", אולם עי' ברמב"ם פ"ה מהל' סוכה שמפרש כוכבי חמה היינו כוכבים הגדולים הנראים ביום (וכן משמע בשו"ע סימן תרל"א ס"ב).

6) סימן תרל"א (ע"ש בבית יוסף).

7) שם סק"ה (ע"פ הדרכי משה בשם המהר"ל דס"ל דמותר לסכך בסכך עבה שאין נראים בתוכה אלא זהורי חמה ביום).

8) שם בא"א סק"ב וז"ל - שיוזכר מי ברא את אלה ולהיות גר בארץ כמ"ש ירח וכוכבים אשר כוננת, עכ"ל.

9) שם סק"ה, וכי' שם דטעם פרמ"ג אינו עיקר והביא בשם הלבוש דהטעם משום גזירת בית (כמ"ש המאירי) וממילא חולק על הפרמ"ג וס"ל דגם לענין כוכבים יש לדקדק שלא יהא די' טפחים על פני משך כל הסוכה, והמשנ"ב שם סוף סק"ה לא הביא בענין זה אלא דעת הפרמ"ג להקל ולא הביא דעת הבכורי יעקב.

דף כג

10) סימן תרכ"ח סק"ד.

11) שם בא"א סק"ד.

12) ע"פ תוסי' לעיל דף כא: ד"ה שאין שכי' דסוכה בראש הספינה יותר אורחיה ממבראש העגלה.

13) שם סק"ג, וכתב השער הציון שם סק"ג י"א דנכון דבריו.

14) (להר"י זאב בראווער מקריית יואל) סימן סוף סק"ד וז"ל - "אפשר" דגם הא"א יודה דהא אורחיה בכך).

15) דף כג (עמוד תתי"ב) בשם הקהלת יעקב ושו"ת משכנות יעקב או"ח סימן קכ"ג.

16) סימן תר"ל סוף סק"ט (מובא במשנ"ב שם סק"ג מ"ח) ובסימן שט"ז סק"ג בשם שו"ת הרשב"א ח"ג סימן ש"י.

17) עי' בבאר היטב שם בשם הלק"ט שחולק על המג"א ומכשיר בכ"ה וכן נוטה דעת החו"א בסימן נ"ב סק"ג י"ד להכשיר - דמה לי קושר המחיצה ומ"ל מעמיד כותל כנגדה להגינה מהרוח, ע"ש, וע"ע במקרא קודש סוכות ח"א סימן ב'.

18) ועי' בספר "עמק סוכות" דף כ"ד שחוקר באופן הפוך - האם מחיצה שיכולה לעמוד ברוח מצויה כשרה אף בעת שהיא מתנדדת ברוח שאינה מצויה.

19) או"ח סימן ע"ז (נרובין ס"י) סק"ג.

20) וכענין זה משמע גם בקרית ספר פ"ד מהל' סוכה ה"ה, דאירי רב אחא באופן שרוח ינוד המחיצות עד שלא יהיו תוך ג' לארץ או עד שלא יהא מכוונות לסכך.

21) כך משמעות סתימת לשון השו"ע והפוסקים כאן (ובסימן שמ"ב ס"א, והמג"א בס"י שס"ג סק"ד) שלא כתבו שיעור על כמה צריך שיתנדנד ברוח, וכי' המעדים זומנים ח"א סימן פ"ד דכן משמעות סתימת לשון הריטב"א והרא"ה והמאירי כאן דמחיצה שנהא קצת ברוח מצויה אינה מחיצה.

22) סימן תר"ל סוף סעי' וז"ל - אין נכון לעשות כל המחיצות מיריעות בלא קנים אע"פ שקושרן וכו'.

23) ועי' שו"ת שלמת חיים (להגר"ח זוננפלד זצ"ל) סימן רנ"ג ובשו"ת קנין תורה ח"ד ס"ע ובשו"ת משנה הלכות ח"ה סימן ע"ז שמלמדן זכות על אותן שעושים דפנות סוכותיהן מסדינין של "קאנבאס" וכודמה כיון שמחברין אותן היטב מכל ד' צדדים ליתדות, וע"ע במועדים זומנים ח"א סימן פ"ד.

דף כד

24) הלכות סוכה סימן קצ"ט, (עי' הגי' אשרי כאן).

25) (והר"ן הוסיף דאם יכול לעשות שתיהם בלא טורח אז יראה לעשות שתיהם דמהיות טוב אל יקרא רע) וקיי"ל כהא"ו"ז והר"ן ברמ"א או"ח סימן ל"ח סוף ס"ח, ע"ש בביה"ל ד"ה אם צריך.

26) דף י"ח, מובא בספר סוכת שלם סימן כ"ח סק"ג ל"א (וכן מצדד בספר משנת הלוי כאן סק"ל ד"ה ומה שהקשו).

27) מובא שם.

28) שם.

29) [ועי' פלוגתת טורי אבן ובית יצחק שהבאנו ב"על הדף" ליומא דף נ"ט בענין אין מעבירין על המצות אם צריך לחזור למצוה ראשונה אחר שכבר עבר עליו] וע"ע בספר סוכת שלם הנ"ל בשם פתחא זוטא שחקר אם נחשבת מצוה שנייה כמצוה הבאה בעבירה, וכבר דן בזה בשדי חמד כללים מערכת מ' כלל ע"ז אות כ"ה, וע"ע בקול סופר על משני' ובמראה מקומות שמציון באוצר מפה"ת עמוד תתי"ב.

דף כה

30) סימן ל"ח סק"ח, ע"ש בפשט ראשון דמשמע דאם נוטל שכר כלל תו לא מיקרי עוסק במצוה שכתב שם דאינו נקרא "עוסק במצוה" אא"כ לא נוטל אלא שכר בטלה בלבד, והא דכתבנו בפנים דמיקרי עוסק במצוה כ"ז ש"עיקר" כוונתו אינו בשביל השכר הוא ע"פ פשט ב' שם במג"א שכתב דהכל תלוי בעיקר כוונתו ובפרמ"ג שם א"א סק"ח משמע דכ"ז דאין כוונתו דוקא כדי להשתכר שפיר מיקרי עוסק במצוה, אולם עי' שו"ת כתב סופר סימן קי"ט שכתב דבעינן "כולו לה"י ואין בה הנאה לעצמו, ועי' תוספות ביכורים (על ביכורי יעקב לבעל ערוך לנר) סוף סימן תר"מ וכן בערוך השולחן שם ס"ג שנקטו לפשיטות דמשמשי חולה בשכר לא מקרי עוסק במצוה.

31) ועי' מרומי שדה כאן שחולק על המג"א והקי' דא"כ גם כותבי תפילין לא היו עוסק במצוה כיון שכותבין להשתכר (אולם לפי הביה"ל מיושב).

32) שם ד"ה הם ותגריהם.

33) וכענין זה כתב גם החתן סופר שער הטוטפת סימן ט"ו, ע"ע בקובץ הערות סימן מ"ח סק"ג י"א.

34) מובא שם במשנ"ב סק"ג כ"ו, וע"ש בביה"ל.

דף כו

35) פ"ו מהל' סוכה ה"ו, וכן קיי"ל בשו"ע סי' תרל"ט ס"ב.

36) ז"ל הר"ן (והריטב"א) - י"א דלגמרי גמרינן מחג המצות מה התם בכזית אף הכא בכזית, ואע"ג דבשאר ימות החג כזית עראי הוא ורשאי לאכלו חוץ לסוכה אפ"ה בלילה הראשונה כיון שהכתוב קבעו חובה לאכלו בסוכה עשאו אכילת קבע עכ"ל (וצע"ק למה צריך להוסיף שהכתוב "עשאו אכילת קבע" הרי כיון שילפינן מחג המצות דצריך לאכול כזית בסוכה בליל ראשונה תו מה איכפת לן אי מיקרי קבע, ואולי י"ל דבא להוסיף בזה שיש אַיסור (עשה) בליל ראשונה לאכול חוץ לסוכה אפי' רק כזית פת משום דהתורה עשאו קבע, וצריך לעיין בזה).

דף כז

37) או"ח סימן תרל"ט סו"ב י"ב.

Thank you to all who have responded to our Rosh Hashana Campaign
 Best wishes for a טובה וחתימה טובה to all our readers and our many supporters.

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-
 from *Rabbi Zev Dickstein, Al Hadaf Editor*

<p>to שנה טובה ומתוקה: HaRav Zev Dickstein & Family and to all Daf Yomi participants worldwide. * * * Congratulations to Avraham Aryeh & Rina Richmond upon their marriage! - from Avraham Meir & family</p>	<p>Best Wishes for כתיבה וחתימה טובה and הצלחה רבה to HaRav Zev Dickstein and family and to HaRav פיבל Zimmerman and family - from Dr. & Mrs. I. Zimmerman</p>
<p><i>L'shana Tova</i> from Tzvi and Perri Keilson</p>	<p><i>L'Shana Tova</i> from Meir Yoel and Susan Laub & family</p>
<p>Best Wishes for a Healthy and Good Year! Beth & Reuben Blumenthaul</p>	<p>כתיבה וחתימה טובה To our family and all From: Moshe & RoAnna Pascher</p>
<p>שנת שלום - שנת הצלחה בלימוד התורה ושנת אושר ונחת בכולנו מרדכי ושושנה סומר -</p>	<p>כתיבה וחתימה טובה "לכל חברי מערכת י"על הדף ולכל לומדי דף היומי - מאת שבת ושרה ראברטס, לייקוד נ.ז.</p>
<p><i>L'Shana Tova</i> to the Daf Yomi Magidei <i>Shiur</i> in Teaneck NJ & also at Young Israel of New Rochelle NY יישר כחכם ! - from Andy & Nancy Neff</p>	<p>In honor of the engagement of CHAIM DIENSTAG to SURI BERKOWITZ</p>
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Note: Additional greetings will be printed in the next issue

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כא	לז"נ איטא רעכיל בת ר' אהרן דוד Kramer ז"ל *	א ראש השנה	שבת
כב	לז"נ דוד אריה בן יצחק הלוי ז"ל * LUDWIG FLEISHMAN	ב ראש השנה	Sun
כג		ג תשרי	Mon
כד	לז"נ פסח משה בן אפרים Sprecher ז"ל - נפטר ד' תשרי תשנ"ו *	ד תשרי	Tues
כה		ה תשרי	שבת
כז		ט תשרי	Sun
ל	JACOB WEINBERG * לז"נ יעקב בן יצחק צבי ז"ל; by Fran & Jerry Weinberg * לז"נ בנימין בן שמואל ז"ל; In memory of Dr. Bernard Teitelman on his 1st Yahrtzeit	יום כיפור	Mon
לא	לז"נ איטא ברכה בת הרב אליעזר הלוי ז"ל * לז"נ ר' נחמן ב"ר אלחנן שמחה Krasner ז"ל *	יא תשרי	Tues
לב	לז"נ ר' יונה צבי בן יוחנן ז"ל *	יב תשרי	Wed
לג	לז"נ הרב שמואל פנחס בן הרב יהודה אריה הלוי Heber ז"ל *	יג תשרי	Thrs
לד		יד תשרי	Fri
לה		א סוכות	שבת
לו	לז"נ פנחס חיים בן יהודה אריה ז"ל (יארצייט כ"ט טבת)	ב סוכות	Sun
לז		יז תשרי	Mon
לח		יח תשרי	Tues
לט	לז"נ אלכסנדר אפרים ב"ר מאיר ז"ל *	יט תשרי	Wed

* Denotes Yahrtzeit

See Rosh Hashana Greetings inside on pages 18 & 19
כתיבה וחתימה טובה!

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