

## לולב הגזול פרק שלישי סוכה

(fol.53b) **משנה א:** לולב הגזול והיבש פסול. של אשירה ושל עיר הנדחת פסול. נקטם ראשו נפרצו עליו פסול. נפרדו עליו כשר. רבי יהודה אומר יאנדנו מלמעלה. ציני הר הפרזל כשירות. כל-לולב שיש בו שלשה טפחים כדי לנענע בו כשר:

**Mishnah 1:** A robbed or dried up *lulav*<sup>1</sup> is disqualified. Of an *ashera*<sup>2</sup> or a seduced city<sup>3</sup>, it is disqualified. If it was truncated, its leaves broken out, it is disqualified. If its leaves were spread out, it is qualified; Rabbi Jehudah says, he shall tie them at the top<sup>4</sup>. The stone palms of Iron Mountain are qualified. Any *lulav* three hand-breadths long to shake it<sup>5</sup> is qualified.

1 Lev. 23:40: *You shall take for yourselves on the First Day a fruit of the splendor tree, date-tree palms, a branch of the rope tree, and brook-willows.* The *lulav* is the young palm branch. While in the verse it is called “palm”, because the leaves of the palm-tree spread out from the spine of the branch like fingers of a hand, it is traditional to take a young branch with the leaves still tightly clinging to its spine. From this the name לולב “tube” (cf. Note 27).

2 A tree worshipped as a pagan deity,

forbidden for all use.

3 An apostate city practicing idolatry which has to be destroyed and all its property burned, forbidden for all usufruct, Deut 13:13-18.

4 As long as the leaves are connected they can be tied together to produce the desired shape of a solid tube.

5 As explained in Mishnaot 8 ff., the main use of the “four kinds” mentioned in the verse is to shake them during the recitation of *Hallel*, Ps. 113-118.

(53c line 15) לולב הגזול והיבש פסול כול. תני רבי חייה. ולקחתם לכם. משלכם. ולא הגזול. אומר רבי לוי. זה שהוא נוטל לולב גזול למה הוא דומה. לאחד שביד את השלטון תמחוי אחד ונמצא משלו. אמרו. אי לו לזה שנעשה סניגורו קטיגורו.

“A robbed or dried up *lulav* is disqualified,” etc. Rabbi Ḥiyya stated: *You shall take for yourselves*<sup>1</sup>, from what is your own<sup>6</sup>. Rabbi Levi said, to what is one compared who takes a robbed *lulav*? To one who honored the ruler with a basket and it turned out that it belonged to the latter. One says, woe to this one whose defender<sup>7</sup> became his prosecutor<sup>8</sup>.

6 Babli 29b; *Sifra Emor Pereq* 17(2). The paragraph is a much shortened version

of Lev. r. 30(6), starting with R. Ḥiyya’s statement and ending with the lesson “woe

to this one . . .”

8 Greek κατήγορος.

7 Greek συνήγορος.

(53c line 19) שופר של עבודה זרה ושל עיר הנדחת. רבי לעזר אומר. כשר. תני רבי חייה. כשר. תני רבי הושעיה. פסול. הכל מודין בלולב שהוא פסול. מה בין שופר ומה בין לולב. אומר רבי יוסה. בלולב כתוב ולקחתם לכם. משלכם. לא משלאיסורי הנזירה. ברם הקא יום תרועה יהיה לכם: מכל מקום. אומר רבי לעזר. תמן בגופו הוא יוצא. ברם הקא בקולו הוא יוצא. ויש קול אסור בהנזירה.

1 אמ' אר' 3 יוסה | ז יסי 4 הוא | ז היה 5 בהנייה | ז בהנאה

<sup>9</sup>A ram's horn of idolatry<sup>10</sup> or a seduced city<sup>11</sup>. Rabbi Eleazar said, it is qualified. Rabbi Hiyya stated, it is qualified. Rabbi Hoshiaia stated, it is disqualified<sup>12</sup>. Everybody agrees about a *lulav* that it is disqualified. What is the difference between a ram's horn and a *lulav*? Rabbi Yose said, about a *lulav* it is written: *You shall take for yourselves*<sup>1</sup>, from what is your own<sup>6</sup>. Not from what is forbidden for usufruct. But here, *a day of horn blowing it shall be for you*<sup>13</sup>. Rabbi Eleazar said, there he fulfills his obligation by the thing itself<sup>14</sup>. But here he fulfills his obligation by the sound. Is there a sound which is forbidden for usufruct?

9 This paragraph is part of a text in *Yebamot* 12:2 (Notes 50-59, ז).

10 The ram's horn used on New Year's Day.

11 The usufruct of any implements of idolatrous worship is forbidden. The horn is only permitted since Divine Commandments are not for enjoyment or use. The Babli,

*Roš Haššanah* 28a, agrees.

13 *Num.* 29:1.

12 The Babli, *Roš Haššanah* 28a, disagrees in this case since a ram's horn in a “seduced city” must be burned and therefore is considered to be ashes even if not burned. Arguments of this kind are absent in the Yerushalmi.

(53c line 24) מה פליגין. בשגזלו משופה. אבל אם גזלו ושיפיהו. דמים הוא חייב לו. גזל לולב מיכן והדס מיכן וערבה מיכן ואגדן. נשמעניה מן הדא. סוכה גזולה. אית תני תני. כשירה. אית תני תני. פסולה. רבי סימון בשם רבי יהושע בן לוי. מאן דאמר. כשירה. בשגזל קרקע. מאן דאמר. פסולה. בשגזל פסל. ואיפשר שלא יקשר. במישוב מלמעלה. רבנן דקיסרין בשם רבי יוחנן. בין זה ובין זה פסולה. אי זו היא גזולה פסולה. כל שהוא נכנס בתוך סוכתו שלחבירו שלא מדעתו. כהדא. גמליאל זוגא עבד ליה מטלא גו שוקא. עבר רבי שמעון בן לקיש. אומר ליה. מאן שרא לך.

Where do they disagree<sup>13</sup>? If he robbed it smoothed. But if he robbed it and smoothed it, he owes him money<sup>14</sup>. If he robbed a *lulav* from one, a myrtle branch from another, and a willow branch from a third and tied them together<sup>15</sup>? Let us hear from the following: A robbed *sukkah*, there are Tannaim who stated, it is qualified; there are Tannaim who stated, it is disqualified. Rebbi Simon in the name of Rebbi Joshua ben Levi: He who said, it is qualified, if he robbed the real estate<sup>16</sup>. He who said, it is disqualified, if he robbed the agricultural waste. It is impossible that he not tie them together<sup>17</sup>. If he places it from the top. The rabbis of Caesarea in the name of Rebbi Johanan: In every case it is disqualified<sup>18</sup>. What is the robbed one which is disqualified<sup>19</sup>? Any time a person enters another's *sukkah* without his knowledge<sup>20</sup>. As the following. Gamliel the twin made himself a *sukkah* on the market<sup>21</sup>. Rebbi Simeon ben Laqish passed by and told him, who gave you permission?

13 About qualification of a ram's horn.

14 It is a general rule that a stolen or robbed object has to be returned in kind to its owner only if it is unchanged. Once the thief or robber has changed it so its original shape cannot be restored, it becomes the property of its current holder and the original owner only has a claim for its money's worth and eventual fines (*Or zarua* § 274). Therefore it is the robber's property and even in the case of a *lulav* could be used on the holiday.

15 The Babli 30a holds that this case certainly is disqualified since the tie is reversible and a reversible change does not transfer ownership.

16 Since he changed the real estate by building a *sukkah* on it. The Babli 31a disagrees since (1) real estate cannot be robbed since the owners eventually will be

able to reclaim their property by proving their title in court (a principle accepted in the Yerushalmi, *Peah* 2:7 Note 132, *Kilaim* 7:5 Note 72, *Bava qamma* 10:6 Note 66) and (2) the *sukkah* is only a temporary building.

17 Therefore even if he robbed the material for the roof it should become the robber's property.

18 They hold that only permanent change can effect a transfer of ownership, the doctrine of the Babli.

19 This question does not contradict the statement of the rabbis from Caesarea. Accepting their reasoning, what are the limits of "robbing a *sukkah*"?

20 The Babli 31a characterized this as R. Eliezer's minority opinion.

21 Using public property for a *sukkah* without proper authorization is robbing the public.

(53a line 33) יָבֵשׁ פָּסוּל. רַבִּי אֲבִין בְּשֵׁם רַבִּי יְהוּדָה בַּר פָּזִי. הַיָּבֵשׁ פָּסוּל עַל שֵׁם לֹא־הֵמְתִים יְהִלְלוּ־יָהּ. תִּנִּי בְשֵׁם רַבִּי יְהוּדָה. הַיָּבֵשׁ עֲצָמוּ כֶּשֶׁר. אָמַר לֵהוּ רַבִּי יְהוּדָה. וְהִלָּא בְּבִרְכַּי הָיִים מוֹרִישִׁין לִילְבִּיָּהוּן לְבִנְיָהוּן. אָמְרוּ לוֹ. אֵין לְמִידִין מִשְׁעַת הַדְּוִחָק. בְּעוֹן קוּמִי רַבִּי אֲבִינָא. גִּבְשָׁה צִיצִיתוֹ מֵהוּ. מָה בֵּינוּ לְקָטוּס. אָמַר לוֹן. זֶה הַדּוֹר וְזֶה אֵינוֹ הַדּוֹר.

“Dried up is disqualified.” Rabbi Abbin in the name of Rabbi Jehudah bar Pazi: The dried-up is disqualified because *the dead ones cannot praise the Eternal*<sup>22</sup>. It was stated in the name of Rabbi Jehudah, “the dried up one is qualified. Rabbi Jehudah told them, do they not have their sons inherit their *lulavim* in the port cities overseas<sup>23</sup>? They told him, one does not make inferences from emergency situations.” They asked before Rabbi Avinna, if its fringe was dried up<sup>24</sup>, what? What is the difference to when its head was chopped off? He told them, the first is splendor<sup>25</sup>, the second is not splendor.

22 Ps. 115:17.

23 Northern ports in countries without palm trees, where it may be impossible to get a new *lulav* every year. כֶּדֶךְ is Greek γάραξ “palisade”. Tosephta 2:9, Babli 31a/b.

24 If the top leaves were wilted.

25 While “splendor” is mentioned only for the fruit of the splendor tree, if at all possible the entire bundle has to look its best.

(53c line 38) רַבִּי מְלוּךְ בְּשֵׁם רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי. נִחְלַק הַמִּתְאִים כְּמִי שֶׁנִּפְרְדּוּ הָעָלִין. כְּפוֹת תְּמָרִים. רַבִּי טַרְפוֹן אוֹמֵר. כְּפוֹת תְּמָרִים. רַבִּי עֲקִיבָה אוֹמֵר. כְּפוֹת תְּמָרִים כְּשֶׁמֶן. רַבִּי יְהוּדָה אוֹמֵר. אִם נִפְרָד יֵאָגְדוּ.

Rabbi Maluk in the name of Rabbi Joshua ben Levi: If the spine is split it is as if the leaves were spread out<sup>26</sup>. *Date-palm palms*<sup>1</sup>. Rabbi Tarphon says, tied date-palms<sup>27</sup>. Rabbi Aqiba says, *palms of date palms* as they are called<sup>28</sup>. Rabbi Jehudah says, if they are spread out he shall tie them together<sup>29</sup>.

26 In this case, the Mishnah states that it is qualified. In the Babli 32a R. Matun in the name of R. Johua ben Levi is reported to state that it is disqualified.

27 While in biblical Hebrew כְּפוֹת is the plural of כָּף “palm, hand”, in rabbinic Hebrew (and Aramaic) there exists a verb כָּתַף “to tie down”. R. Tarphon reads the verse in rabbinic Hebrew and disqualifies

palm branches which are not tied tightly, a position attributed to R. Jehudah in Tosephta 2:10.

28 He reads the verse in biblical Hebrew and accepts the palm branch even if its leaves are spread out.

29 In principle he agrees with R. Tarphon (Babli 31a, 32a) but he requires actual tying only if otherwise the leaves would be spread

out. Attributed to R. Tarphon in *Sifra Emor*  
*Pereq* 16(4).

53c line 41) אֵילֵי הַן צִינֵי הַר הַבְּרָזֵל שֶׁהֵן כְּשִׁירֹת. כָּל-נִשְׂרָאֵשָׁה שֶׁלָּזָה כְּגִיעַ לְצֵד עֵיקָרוֹ שֶׁלָּזָה. תִּנִּי. חֲרוֹת פְּסִילָה. דּוֹמָה לַחֲרוֹת כֶּשֶׁר.

The following are the stone palms of Iron Mountain which are qualified: Any of which the top of one reaches the root of the next<sup>30</sup>. It was stated: Burned is disqualified, looking like burned is qualified<sup>31</sup>.

30 There is no lower limit on the length of the leaves, but the spine of the branch has to be completely covered by leaves. Babli 32a. stone dry and dark. As long as there is moisture in the spine, the color is irrelevant. Babli 32a.

31 "Burned" means not really burned but

53c line 43) רַבִּי שִׁמְעוֹן בַּר אֲבָא בִּשְׁם רַבִּי יוֹהָנָן. כִּינִי מִתְּנִיתָא. כְּדִי לְנַעֲנֵעַ בּוֹ כֶּשֶׁר. תִּנִּי. הַדָּס וְעֶרְבָה שֶׁלֶשָׁה וְלוּלָב אַרְבָּעָה. תִּנִּי. בְּאֵמַת חֲמִשָּׁה. דְּבָרֵי רַבִּי טַרְפוֹן. וְחֻכְמִים אוֹמְרִים. בְּאֵמַת שֶׁשָּׁה. עַל דְּרַבִּי טַרְפוֹן פּוֹשְׁכִין רַבְרָבִין. עַל דְּעֵתְהוֹן דְּרַבְּנָן פּוֹשְׁכִין דְּקִיקִין. רַבִּי יוֹנָה וְרַבִּי שִׁמְעוֹן בֶּן לִקְיֹשׁ בִּשְׁם רַבִּי יוֹדָה נְשִׂיאָא. לוּלָב טַפַּח. רַבִּי סִימוֹן בִּשְׁם רַבִּי יְהוֹשֻׁעַ בֶּן לִוי. אִיזוּב טַפַּח. רַבִּי זְעִירָה בְּעֵי. לוּלָב טַפַּח. אִיזוּב טַפַּח. אֶמֶר רַבִּי יוֹסִי. קִיָּימָה רַבִּי סִימוֹן. רַבִּי חִינָנָא רַבִּי סִימוֹן בִּשְׁם רַבִּי יְהוֹשֻׁעַ בֶּן לִוי. לוּלָב טַפַּח. אִיזוּב טַפַּח. שׁוֹפָר טַפַּח. שִׁילִימָא טַפַּח. וְיֵשׁ אוֹמְרִים. אֵף דּוֹפָן שְׁלִישִׁית טַפַּח. רַבִּי זְעִירָה בְּעֵי. לוּלָב טַפַּח (וּבִלְבַד) [מִלְבַּד] שִׁזְרָה. אִיזוּב טַפַּח חוּץ מִגְּבְעוּלִין. רַבִּי יוֹסִה רַבִּי טָבִי בִּשְׁם רַבִּי חִינָנָא רַבִּי פְּרָנָה רַב מִתְּנָה יוֹסִי בַר מְנַיָּשָׁא בִּשְׁם רַב. לוּלָב טַפַּח (וּבִלְבַד) [מִלְבַּד] שִׁזְרָה. אִיזוּב טַפַּח חוּץ מִגְּבְעוּלִין.

Rebbi Simeon bar Abba in the name of Rebbi Johanan. So is the Mishnah: If one can shake it, it is qualified<sup>32</sup>. It was stated: Myrtle and willow twig three, and *lulav* four<sup>33</sup>. It was stated, by the cubit of five {hand-breadths}, the words of Rebbi Tarphon, but the Sages are saying, by the cubit of six. For Rebbi Tarphon, large hand-breadths<sup>34</sup>; in the opinion of the Sages, thin hand-breadths. Rebbi Jonah and Rebbi Simeon ben Laqish in the name of Rebbi Jehudah the Patriarch: The *lulav* a hand-breadth<sup>35</sup>. Rebbi Simon in the name of Rebbi Joshua ben Levi: the hyssop<sup>36</sup> a hand-breadth. Rebbi Ze'ira asked, the *lulav* a hand-breadth, the hyssop a hand-breadth? Rebbi Yose said, Rebbi Simon confirmed it. Rebbi Hinenai, Rebbi Simon in the name of Rebbi Joshua ben Levi: the *lulav* a hand-breadth, the hyssop a hand-breadth, the ram's horn a hand-breadth<sup>37</sup>, the placenta a hand-breadth<sup>38</sup>,

and some are saying, also the third wall a hand-breadth<sup>39</sup>. Rabbi Ze'ira asked, the *lulav* a hand-breadth except the spine<sup>40</sup>? The hyssop a hand-breadth except for the stalk? Rabbi Yose, Rabbi Tabi in the name of Rav; Rabbi Hinenah, Rabbi Parnakh, Rav Mattanah, Yose bar Manisha in the name of Rav: The *lulav* a hand-breadth except for the spine; the hyssop a hand-breadth except for its stalks.

32 The *lulav* must be large enough so that one may hold it in his hand, and it visibly bends somewhat if one shakes it.

33 Since the numerals are in the masculine they denote hand-breadths.

34 The standard is the cubit,  $\frac{1}{8000}$  of an Egyptian parasang. The hand-breadth of the vessel standard, 5 to a cubit, is  $\frac{6}{5}$  of the hand-breadth of the distance standard, 6 to a cubit.

35 Exceeding the accompanying branches by a hand-breadth. The Babli 32b identifies this with Rabbi Johanan's criterion (Note

32).

36 Needed to sprinkle, e. g., the water to purify a person healed from skin disease..

37 The ram's horn for New Year's Day must extend one hand-breadth outside the hand which holds it.

38 As sign of a miscarriage.

39 Tosephta 1:13; Chapter 1 Note 10.

40 The excess length of the *lulav* has to be formed by its leaves, not the spine. Similarly, the top of the hyssop dipped in the purifying water is not counted for the minimum length.

מִשְׁנֵה בִּהְיוֹת הַדָּם הַנֶּזֶקֶל וְהַיָּבֵשׁ פָּסוּל. שֶׁל אֲשֵׁרִיָּה וְשֶׁל עֵיר הַגְּדֵדָה פָּסוּל. נִקְטָם רֹאשׁוֹ נִפְרָצוּ עָלָיו אוֹ שִׁהִי עֲנָבָיו מְרֻבּוֹת מֵעָלָיו פָּסוּל וְאֵם מִיֵּעָטָן בָּשָׂר. וְאֵין מְמַעֲטִין בָּיּוֹם טוֹב:

**Mishnah 2:** A robbed or dried up myrtle is disqualified. Of an *ashera*<sup>2</sup> or a seduced city<sup>3</sup>, it is disqualified. If it was truncated, its leaves broken out, or its berries more than its leaves, it is disqualified; if one reduced their number it is qualified but one may not reduce on the holiday.

54) (53c line 54) **הלכה ב:** כְּתִיב וַעֲנַף עַץ-עֲבוֹת. עַץ שֶׁעֲנָפָיו חוֹפִין אֶת רוֹבּוֹ וְעוֹלָה כְּמִין קְלִיעָה. וְאֵין זֶה זֶה. זֶה הַדָּס. אֵין תֵּימֵר זֵיתָא. עוֹלָה כְּמִין קְלִיעָה וְאֵין עֲנָפָיו חוֹפִין אֶת רוֹבּוֹ. אֵין תֵּימֵר זֵיתָא. שֶׁעֲנָפָיו חוֹפִין אֶת רוֹבּוֹ וְאֵינוֹ עוֹלָה כְּמִין קְלִיעָה. וְאֵין זֶה זֶה. זֶה הַדָּס. חִיָּה בַּר אֲדָא בָּשָׂם רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. בְּמִשְׁחִירוֹת שֶׁנִּי. לָמָּה. מִשָּׁם שְׂאִינָן דּוֹמוֹת לַעֲצוֹ אוֹ מִשָּׁם שְׁנַגְמָר פְּרִי. מֵה נֶפֶק מִן בִּיגִיחוֹן. הִנֵּה דֶרֶכּוֹ לְגִדֵּל יְרוּקִים. אֵין תֵּימֵר. מִשָּׁם שְׂאִינָן דּוֹמוֹת לַעֲצוֹ הָרִי אֵינָן דּוֹמוֹת לַעֲצוֹ. הִנֵּה. לֹא טַעֲמָא דִּי לֹא מִשָּׁם שְׁנַגְמָר פְּרִי.

**Halakhah 2:** It is written, *and a branch from the rope tree*<sup>1</sup>, a tree whose branches cover it and it rises like plaiting<sup>41</sup>. Which one is this? The myrtle. If you would say the olive tree, it rises like plaiting but its branches do not cover it. If you would say the vine<sup>42</sup>, its branches cover it but it does not rise like plaiting. Therefore, which one is this? The myrtle.

Hiyya bar Ada in the name of Rabbi Simeon ben Laqish. They taught<sup>43</sup> about the blackish ones. Why? Because they do not resemble its wood or because its fruit is ripened? What is the difference between these? If it is used to grow green ones. If you are saying, because they do not<sup>44</sup> resemble its wood, they do not resemble its wood. Therefore the reason must be because its fruit is ripened.

41 The tops of the leaves look like forming a spiral.

(French *sarment*).

42 Arabic (from the Persian) زرگون “gold colored”, used for branches of the vine

43 That the berries of the myrtle twig have to be removed.

44 Clearly this has to be deleted.

מִשְׁנָה ג עֲרֵבָה נְזוּלָה וַיְבִישָׁה פְּסוּלָה. שֶׁל אֲשִׁירָה וְשֶׁל עֵיר הַנְּדָחִת פְּסוּלָה. נִקְטָם רֹאשָׁהּ נִפְרָצוּ עָלֶיהָ וְהִצְפִּצְפָּה פְּסוּלָה. כְּמוֹשָׁה וְשִׁנְשָׁרוּ מִקְצֵת עָלֶיהָ וְשֶׁל פֶּעַל כְּשִׁירָה:

**Mishnah 3:** A robbed or dried up willow twig is disqualified. Of an *ashera*<sup>2</sup> or a seduced city<sup>3</sup>, it is disqualified. If it was truncated, its leaves broken out, or the osier<sup>45</sup> are disqualified. Wilted, and of which part of the leaves have fallen off, and from an unirrigated place<sup>46</sup>, are qualified.

45 Arabic צפצפ “osier, willow from whose twigs one makes baskets.”

46 A field which gets its water exclusively from the rain, called *ba'al*.

(53a line 62) הִלְכָה ג: כְּתִיב. וְעֲרֵב־נֶחֱל. אֵין לִי אֶלָּא שֶׁל נֶחֱל. שֶׁלִּבְעַל וְשֶׁל־הָרִים מִיָּין. תִּלְמוּד לומר וְעֲרֵבִי. אֲבָא שְׂאוּל אומר. עֲרֵב־נֶחֱל שְׁתִּים. עֲרֵבָה לְלוּלָב וְעֲרֵבָה לְמִקְדָּשׁ. אִם כֵּן לָמָּה נֶאֱמַר וְעֲרֵב־נֶחֱל. פֶּרֶט לְצִפְצָפָה. אִי זֶה שֶׁלִּצְפִּצְפָּה. הַעֲשִׂיָּה כְּמִין מִגֵּל. תִּנִּי. כְּמִין מִגֵּל פְּסוּלָה. כְּמִין מִסֵּר (פְּסוּלָה) [כְּשִׁירָה]. אִי זֶה הִיא עֲרֵבָה פְּסוּלָה. עָלָה עֲגוּל וְקִנָּה לָבֶן. אִי זֶה הִיא עֲרֵבָה כְּשִׁירָה. עָלָה אֲרוֹךְ וְקִנָּה אֲדוּם.

**Halakhah 3:** <sup>47</sup>“It is written, *and brook-willows*<sup>1</sup>. I admit not only from a brook, from where also from an unirrigated place or from mountains? The verse says, *and willows*<sup>48</sup>. Abba Shaul says, *brook-willows*, two. A willow twig for the *lulav* and a willow twig for the Temple<sup>49</sup>.” Then why was it written *and brook-willows*? To exclude the osier. <sup>50</sup>“What is an osier? If it is like a sickle. It was stated: Like a sickle it is disqualified, like a plane it is (qualified) [disqualified]<sup>51</sup>. What is a disqualified willow twig? The leaf is round and the stem white. What is a qualified willow twig? The leaf is long and the stem red.”

47 *Sifra Emor Pereq* 16(6), Babli 34a.

48 The plural and the prefixed “and” indicate the inclusion of two additional kinds of willow twig.

49 He disputes the admission of willow twigs from trees growing far from water by pointing out that willow twigs were needed

not only for the “4 kinds” tied to the *lulav* but also to surround the altar (*Mishnah* 4:4). This explains both the plural and the prefixed “and”.

50 Babli 34a, *Tosephta* 2:7.

51 The correct text is the (scribe’s); the [corrector’s] clearly is erroneous.

**משנה ד** רבי ישמעאל אומר שלשה הדסים ושתי ערבות לולב אחד ואתרוג אחד ואפילו שנים קטומים ואחד שאינו קטום. רבי טרפון אומר אפילו שלשתן קטומים. רבי עקיבא אומר בשם שולב אחד ואתרוג אחד כך הדם אחד וערבה אחת:

**Mishnah 4:** Rabbi Ismael says, three myrtle branches and two willow twigs, one *lulav* and one *etrog*; even two truncated and one not chopped off. Rabbi Tarphon says, even all three truncated. Rabbi Aqiba says, just as there is one *lulav* and one *etrog* so there is one myrtle branch and one willow twig.

**הלכה ד:** רבי ישמעאל דרש. פרי עץ הדר אחד. כפות תמרים אחד. וענף עץ-עבות שלשה. וערבי-נחל שתיים. ושתי דליות. אחת שאינה קטומה. רבי טרפון אומר. אפילו שלשתן קטומין. רבי בא בר ממל בעא קומי רבי אימי. כמה דרבי ישמעאל מרבה בהדס גרבה בשאר כל-המינין. אמר ליה. מיסבור את סבר. על דרבי ישמעאל קטום הדר. והא תנינן. רבי טרפון אומר אפילו שלשתן קטומין. לית בר נש אמר. אפילו. אלא דהוא מודה על קדמיתא. רבי חגי בעא קומי רבי יוסה. מה בא רבי טרפון להוסיף על דברי רבי ישמעאל. אמר ליה. רבי ישמעאל לא סבר קטום הדור. ורבי טרפון סבר קטום הדור. רבי יסא בד סלק להכא חמתון מבחרין הדסה. אמר. למה גני מערבא מבחרין הדסה. ולא שמיע



דאָמער רבי סימון בָּשֶׁם רבי יהושע בן לוי. וְאֶשֶׁר יִשְׁמְעוּ וְיַעֲבִירוּ קוֹל בְּכָל-עֲרֵיָהֶם וגו'. לֹא הִיא הַדָּס וְלֹא הִיא עֵץ עֲבוֹת. אֲלֵא הַדָּס לְסוּכָה. וְעֵץ עֲבוֹת לְלוּלָב. רַבִּי זְעוּרָה הָוָה תִּקְשַׁע לָהּ.

**Halakhah 4:** <sup>52</sup>“Rebbi Ismael explained, <sup>1</sup>*a fruit of the splendor tree*, one. *Date-palm roped*, one<sup>53</sup>. *A branch of the rope tree*, three<sup>54</sup>. *And brook-willows*, two<sup>55</sup>. And two lifted ones; one which is not truncated. Rebbi Tarphon says, even if all three are truncated.” Rebbi Abba bar Mamal asked before Rebbi Immi: Since Rebbi Ismael adds for the myrtle<sup>56</sup>, should he not add for the other kinds? He answered, you are thinking that Rebbi Ismael thinks that truncated is splendor, and we have stated, “Rebbi Tarphon says, even if all three are truncates.” Nobody says “even” if he does not accept the preceding statement<sup>57</sup>. Rebbi Ḥaggai asked before Rebbi Jose: What does Rebbi Tarphon add to the words of Rebbi Ismael? He answered him, Rebbi Ismael does not think that truncated is splendor, but Rebbi Tarphon thinks that truncated is splendor. When Rebbi Yasa came up here he saw them being selective about myrtle branches<sup>58</sup>. He said, why are the Westerners selective about myrtle branches? He had not heard that Rebbi Simon said in the name of Rebbi Joshua ben Levi: *And they made known and proclaimed in all cities*<sup>59</sup> etc. *Myrtle* is not the same as *rope tree*, but myrtle is for the *sukkah*, and *rope tree* for the *lulav*<sup>60</sup>. Rebbi Ze'ira blew it<sup>61</sup>.

52 *Sifra Emor Perek 15*(7), Babli 34b.

53 He reads the verse in accordance with R. Tarphon, Note 27. The clause is in the singular.

54 While “branch” is in the singular, there are three words to describe the myrtle branch.

55 As always, an unspecified plural means “2”, the smallest number > 1.

56 While R. Ismael seems to accept that only one myrtle branch is really needed since עֵץ is a singular, the additional two being inferred from the additional words used in his characterization requiring two additional branches, it is difficult to understand why he requires only one *lulav*

and only one *etrog* instead of two each.

57 Since R. Tarphon and R. Ismael agree in the interpretation of the verse, the requirement that one branch be not truncated for R. Ismael is a rabbinic requirement, not derived from the verse.

58 That they should not be truncated and tightly cover the stem of the branch.

59 *Neh. 8:15*. In the verse, myrtle and branches of the *avot* tree are mentioned separately. How can they be identified?

60 Since the rope tree was mentioned in the Torah as part of the “four kinds” to be taken on the first day, “myrtle” must refer to a kind not satisfying the criteria specified in Halakhah 2 which only may be used for

roofing the *sukkah*. Babli 12a.

Year's Day he instructed on the requirement

61 At the time of *shofar* blowing on New

for a qualified myrtle.

(53d line 6) העושה לולב לעצמו אומר. ברוך אשר קדשנו במצותיו וצונו לעשות לולב. לאחר. לעשות לולב לשמו. כשהוא נוטלו מהו אומר. ברוך אשר קדשנו במצותיו וצונו על נטילת לולב. נתפלל בו אומר. ברוך שהחיינו וקיימנו והגיענו לזמן הזה. ומברך עליו כל-שעה שהוא נוטלו. כיצד מברכין על נר חנוכה. רב אמר ברוך אשר קדשנו במצותיו וצונו על מצות [הדלקת] נר חנוכה. הכל מודין ביום טוב הראשון שהוא אומר. על נטילת לולב. מה פליגי. בשאר כל-הימים. רבי יוחנן אמר. על נטילת לולב. רבי יהושע בן לוי אמר. על מצות זמנים. מה אמר רב בלולב. מה אם חנוכה שהיא מדבריהן הוא אומר. על מצות נר חנוכה. לולב שהוא דבר תורה לא כל-שכן. מה אמר רבי יהושע בן לוי בחנוכה. מה אם לולב שהוא דבר תורה אומר. על מצות זמנים. חנוכה שהיא מדבריהן לא כל-שכן. לא צורכא דילא מה אמר רבי יוחנן בחנוכה.

חיה בריה דרב מברך על-כל פעם ופעם. רב חונה לא מברך אלא פעם אחת בלבד. רבי חונה בשם רב וסף. טעמיה דרב חונה. דמאי מדבריהן ושאר כל-הימים מדבריהן. מה דמיי אין מברכין עליו אף שאר כל-הימים אין מברכין עליו.

<sup>62</sup>He who makes a *lulav* for himself says, praise to Him who sanctified us by His commandments and commanded us to make a *lulav*. For another, to make a *lulav* in his name<sup>63</sup>. When he takes it he says, praise to Him who sanctified us by His commandments and commanded us about taking the *lulav*. If he prayed with it he says, praise to Him Who let us live, and kept us, and let us reach this time. He says the benediction every time when he takes it. How does one recite the benediction for the *Hanukkah* light? Rav said, praised to Him who sanctified us by His commandments and commanded us the commandment [to kindle]<sup>64</sup> the light of *Hanukkah*. Everybody agrees that on the first day he says, about taking the *lulav*. What do they disagree about? The remaining days. Rabbi Johanan said, about taking the *lulav*. Rabbi Joshua ben Levi said, about commandments of the Elders<sup>65</sup>. What did Rav say for the *lulav*? Since for *Hanukkah* which is from their words he is saying, about the commandment of the light of *Hanukkah*, for *lulav* which is from the Torah<sup>66</sup> not so much more? What did Rabbi Joshua ben Levi say on *Hanukkah*? Since for *lulav* which is from the Torah he is saying, about commandments of the Elders, for *Hanukkah* which is from their words not so much more? The only problem is, what did Rabbi Johanan say on *Hanukkah*?

Hiyya the son of Rav was reciting the benediction every single time<sup>67</sup>. Rav Ḥuna recited it only once. Rabbi Ḥuna in the name of Rav Joseph: The reason of Rav Ḥuna. *Demay*<sup>68</sup> is from their words and the remaining days are from their words. Since for *demay* one does not recite a benediction<sup>69</sup>, also for the remaining days one does not recite a benediction.

62 The first sentences of this paragraph are in Tosephta *Berakhot* 6:10, *Yerushalmi Berakhot* 9:3, Note 185; Babli *Sukkah* 46a.

63 Cf. Chapter 1, Note 124.

64 Corrector's addition, to be deleted as shown by the quote later in the paragraph. The mention of "kindling" is Babylonian, Babli *Šabbat* 23a.

65 Since, as explained in Mishnah 3:12, the biblical commandment to take the "four kinds" for seven days is restricted to "before the Eternal", i. e., at the Temple. Without a Temple the obligation at other places is

purely rabbinical except for the first day mentioned in *Lev.* 23:40.

66 Everywhere, at least for the first day of the festival.

67 Accepted as general practice *Berakhot* 3:3, Note 131.

68 Produce of the Land of which one may be sure that heave was taken but probably not tithes (nor heave of the tithe). Cf. Introduction to Tractate *Demay*.

69 When separating heave of the tithe. Rejected by the Babli, *Šabbat* 23a.

מִשְׁנֵה ה' אֶתְרוֹג הַקָּדוֹל וְהַיָּבֵשׁ פָּסוּל. שֶׁל אֲשֵׁירָה וְשֶׁל עֵיז הַנִּגְדָּת פָּסוּל. שֶׁל עֲרֵלָה פָּסוּל. שֶׁל תְּרוּמָה טְמֵאָה פָּסוּל וְשֶׁל מַהוֹרָה לֹא יִמּוּל וְאִם נָטַל כָּשֶׁר. וְשֶׁל דְּמַאי בֵּית שְׁמַאי פּוֹסְלִין. וּבֵית הֵלֵל מְכַשְׂרִין. וְשֶׁל מַעֲשֵׂר שְׁנֵי בִירוּשָׁלַיִם לֹא יִמּוּל וְאִם נָטַל כָּשֶׁר:

**Mishnah 8:** A robbed or dried up *etrog*<sup>70</sup> is disqualified. Of an *ashera*<sup>2</sup> or a seduced city<sup>3</sup>, it is disqualified. Of *orlah*<sup>71</sup>, it is disqualified. Of impure heave<sup>72</sup>, it is disqualified; of pure one should not take<sup>73</sup> but if he took it is qualified. Of *demay*<sup>68</sup>, the House of Shammai disqualify<sup>74</sup> but the House of Hillel qualify; of Second Tithe in Jerusalem<sup>73</sup> one should not take but if he took it is qualified.

70 The Persian name of cedrat, *citrus medica*, identified as "fruit of the Hadar tree".

71 An edible fruit produced during the first three years of the tree's planting, forbidden

for all usufruct.

72 Forbidden as fruit, must be burned.

73 Since by biblical commandment heave and Second Tithe in Jerusalem have to be consumed.

74 Since they do not permit *demay* to be the heave of the tithe, it is not edible at this given even to the poor without separating moment.

53d line 22) **הלכה ה:** כתיב פרי עץ הדר. עץ שפריו הדר ועצו הדר. אי זה זה. זה אתרוג. אין תימר רימונה. (עצו) [פריו] הדר ואין (פריו) [עצו] הדר. אין תימר חרובא. עצו הדר ואין פריו הדר. אי זה זה. זה אתרוג. הדר. אמר רבי לוי. שהוא דר באילנו משנה לחבירתה. אמר רבי תנחומא. תירגם עקילס. הדר הידור. אילן שהוא גדל על פני המים. תני רבי שמעון בן יוחי. ולקחתם לכם פרי עץ הדר. עץ שפריו הדר ועצו הדר. טעם פריו כטעם עצו. טעם עצו כטעם פריו. פריו דומה לעצו. עצו דומה לפריו. ואי זה זה. זה אתרוג. רבי יעקב דרומיאה בעי. מתניתא דלא כבית שמאי. דתנינן. ושלדמאי בית שמאי פוסלין ובית הלל מכשירין. ושלמעשר שני בירושלים לא יטול. ואם נטל כשר:

**Halakhah 5:** It is written, *a fruit of the splendor tree*, a tree whose fruit is splendor and its wood is splendor. Which one is that? This is the *etrog*. If you would say, the pomegranate, its (wood) [fruit] is splendor but its (fruit) [wood] is not splendor<sup>75</sup>. If you would say, the carob, its wood is splendor but its fruit is not splendor. Which one is it? The *etrog*. *Hadar*; Rabbi Levi said, for it stays on its tree from one year to the next<sup>76</sup>. Rabbi Tanhuma said, Aquila translated הדר by ὁ δῶδ<sup>77</sup>; a tree which grows on the water. “Rabbi Simeon ben Iohai stated: *You shall take for yourselves . . . a fruit of the splendor tree*, a tree whose fruit is splendor and its wood is splendor; the smell of its fruit is the smell of its wood, the smell of its wood is the smell of its fruit; its fruit looks like its wood, its wood looks like its fruit. Which one is it? The *etrog*.”<sup>78</sup>

<sup>79</sup>Rebbi Jacob the Southerner asked, is our Mishnah not following the House of Shammai? As we have stated, “of *demay*, the House of Shammai disqualify but the House of Hillel qualify. Of Second Tithe in Jerusalem one should not take but if he took it is valid.”

75 It is difficult to decide whether the text of the (scribe) or that of the [corrector] is the correct one. The corrector's is preferable since (1) it is not parallel to the next sentence and (2) the pomegranate, while not easy to eat, is on the list of preferred fruits of the Holy Land (*Deut.* 8:8) and certainly

tastes much better than carob pods.

76 His Hebrew must pronounce  $\tau$  as /al/ and make no difference between  $\tau$  and  $\tau$  since he reads הדר “splendor” as הדר “who dwells”.

77 “Water.” This again makes no difference between  $\tau$  and  $\tau$  but reads  $\tau$  either as /ol/ or as Polish /ól/.

78 Babli 35a; *Sifra Emor Pereq* 16(4), with different name traditions.

79 This paragraph does not belong here; it is copied from *Eruvin* Chapter 3, Notes 76-78. If the text is read as relevant to the

discussion here, the question must be why the use of Second Tithe in Jerusalem, while disapproved of, is accepted by everybody when it should be disqualified by the House of Shammai.

(fol.53b) **משנה ו** גִּלְתָּהּ הַזֵּוּיָה עַל רֹבּוֹ נִיטְלָהּ פִּיטְמָתָהּ נִיָּקָב נִקְלַף נִסְדָּק חֶסֶר כָּל־שֶׁהוּא פָּסוּל. גִּלְתָּהּ הַזֵּוּיָה עַל מַעוֹטָהּ נִיטְלָהּ עוֹקֶצֶה נִיָּקָב וְלֹא חֶסֶר כָּל־שֶׁהוּא כָּשֵׁר. אֶתְרוֹג הַכּוּשִׁי פָּסוּל. הַיָּרוֹק כְּכַרְתָּן רַבִּי מֵאִיר מְכַשֵּׁיר וְרַבִּי יְהוּדָה פּוֹסֵל:

**Mishnah 6:** If scabs covered most of it<sup>80</sup>, or its protuberance was removed, or it was perforated, or peeled, or cracked, if anything was missing it is disqualified. If scabs covered a smaller part, or the stem was removed, or it was perforated but nothing was missing, it is qualified. A black *etrog* is disqualified, and the green like leeks Rabbi Meïr qualifies but Rabbi Jehudah disqualifies.

80 The *etrog*.

(53d line 32) **הלכה ו:** רַבִּי יִצְחָק בַּר נַחֲמָן בְּשֵׁם שְׁמוּאֵל. כָּל־הַפְּסוּלִין אֵין פּוֹסְלִין אֶלָּא בְּיוֹם טוֹב הָרֵאשׁוֹן בַּלְבָּד. תָּמָן אֶמְרִין. רֹבּוֹ מִצַּד אֶחָד. חוּטְמוֹ כְּרֹבּוֹ לִפְסוּל. נִיטְלָהּ פִּיטְמָתָהּ. תָּמָן אֶמְרִין. שׁוֹשְׁנָתָהּ. רַבִּי יִצְחָק בַּר חֲקוּלָא אָמַר. פִּיקָא. נִיָּקָב וְלֹא פִילַשׁ מִבְּפָנִים כָּשֵׁר. כֹּהִיָּא דְתִינִין תָּמָן. נִיטְלָהּ עוֹקֶצֶה נִיָּקָב וְלֹא חֶסֶר כָּל־שֶׁהוּא כָּשֵׁר. אֶתְרוֹג הַכּוּשִׁי פָּסוּל. הַבָּא מִן הַכּוּשִׁי כָּשֵׁר.

הַיָּרוֹק כְּכַרְתָּן. רַבִּי זְעוּרָה בְּעֵא קוּמִי רַבִּי אִימִי. כֹּהֵן כְּרִתִּינוֹן אוֹ דְדָמִי לֶהֱן כְּרִתִּינוֹן. אָמַר לִיָּה. כֹּהֵן כְּרִתִּינוֹן. אִי זֶהוּ יִרְקָרֵק שְׁבִירָוּקִים. רַבִּי לֵעֲזָר אֹמַר. כְּשֶׁעֲנָה וְכִשְׁוֹשְׁנָתָהּ קָרְמַל. סוּמְכּוֹס אָמַר. כְּכִנְפֵי טוֹנֹס. אִי זֶהוּ אֲדָמָדִים שְׁבִאֲדוּמִים. זֶה זֶהוּרִית עֲמוּקָה. וְכֹא הוּא אָמַר הַכִּין. אָמַר רַבִּי פִּינְחָס. שְׁנִינְיָא הִיא תָּמָן דְּכָתִיב יִרְקָרֵק.

**Halakhah 6:** Rabbi Isaac bar Nahman in the name of Samuel: All disqualifications only disqualify on the first day of the holiday<sup>81</sup>. There, they are saying, most of it on one side; its protuberance is disqualifying like most of it<sup>82</sup>.

“If its protuberance was removed.” There, they say: its lily. Rabbi Isaac bar Haqula said, the peak<sup>83</sup>. If it was perforated but not pierced inside it is

qualified, as we have stated there, “if the stem was removed, or it was perforated but nothing was missing, it is qualified.”

“A black *etrog* is disqualified.” What comes from the black one is qualified<sup>84</sup>.

“The green like leeks.” Rabbi Ze’ira asked before Rabbi Immi: Leek-colored or like leek-colored<sup>85</sup>? He told him, leek-colored. What is the deepest ירק<sup>86</sup>? Rabbi Eleazar said, like wax<sup>87</sup> and like the flower of the *qarmal* tree; Symmachos says, like a peacock’s wings. What is the deepest red? That is deep crimson. And here, he says so<sup>88</sup>? Rabbi Phineas said, there is a difference there because it says, *deepest green*.

81 When the standards have to be biblical. Quoted by Tosaphot 35b s. v. עלתה.

82 The *etrog* is disqualified if either on one side most of it is covered by scab, as noted here, or if all around it has infected spots, as noted in the next Halakhah. Therefore if the top was covered by scab it is covered on all sides and therefore disqualified.

83 Arabic פֹּאק “acme”. The *etrog* has to be held so that the protuberance is the top.

84 The black *etrog* is infected and

probably inedible; its seeds may produce normal trees and normal fruit.

85 Somewhat less dark.

86 Lev. 13:49, cf. *Sifra Tazria Perek* 14(2).

87 Yellow colored. In biblical Hebrew both green and yellow are subsumed under ירק. The word used in modern Hebrew for yellow, צהוב, biblically means “shiny, shiny red.”

88 Why is it green for the *etrog* but yellow for skin disease?

מִשְׁנָה ז': שְׁעוֹר אֶתְרוֹג קָטָן רַבִּי מֵאִיר אָמַר כְּאֵגוֹז. רַבִּי יְהוּדָה אָמַר כְּבִיצָת. (fol.53b)  
וְהַגְדוֹל כְּדִי שִׁיאָחוּז אֶת שְׁנֵיהֶם בְּיָדוֹ אַחַת דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי יוֹסִי אָמַר אֶפְלוֹ אֶחָד בְּשֵׁמִי יָדָיו:

**Mishnah 7:** The measure of a small *etrog*, Rabbi Meir says, like a walnut, Rabbi Jehudah says, like an egg<sup>89</sup>. And a large one, so that he is able to hold the two of them<sup>90</sup> in one hand, the words of Rabbi Jehudah; Rabbi Yose says, even one in both of his hands.

89 A chicken egg.

90 The *etrog* and the *lulav* together.

(53d line 43) **הלכה ז:** אֶתְרוֹג הַבוֹסֶר. רַבִּי עֲקִיבָה אָמַר. אֵינוּ פְּרִי. וְחֻכְמִים אָמְרִים. פְּרִי. רַבִּי אִילָא רַבִּי יִסָּא בְּשֵׁם רַבִּי לֵעָזֵר. אֶתִּיאָ דְרַבִּי שְׁמַעוֹן קְשִׁיטָא רַבִּי עֲקִיבָה רַבּוֹ. כְּמָה דְרַבִּי עֲקִיבָה אָמַר. אֶתְרוֹג בּוֹסֶר אֵינוּ פְּרִי. כֵּן רַבִּי שְׁמַעוֹן אָמַר. אֶתְרוֹג בּוֹסֶר אֵינוּ פְּרִי. אָמַר רַבִּי יוֹסֵה. וְכִי כָל־שֶׁהוּא כָּשֶׁר בְּלוּלָב חֵיב בְּמַעֲשָׂרוֹת וְכָל־שֶׁאֵינוּ כָּשֶׁר בְּלוּלָב אֵינוּ חֵיב בְּמַעֲשָׂרוֹת. הֲתִיבּוּן. הֲרִי מְנוּמָר. הֲרִי הוּא גָדֹל בְּדַפּוּס. הֲרִי הוּא עָשׂוּי כְּכַדּוֹר. הֲרִי הוּא פְּסוּל בְּלוּלָב וְחֵיב בְּמַעֲשָׂרוֹת. מִסְתַּבְּרָא רַבִּי שְׁמַעוֹן יוֹדֶה לְרַבִּי עֲקִיבָה. רַבִּי עֲקִיבָה לֹא יוֹדִי לְרַבִּי שְׁמַעוֹן. רַבִּי שְׁמַעוֹן יוֹדִי לְרַבִּי עֲקִיבָה. דְּתִיב פְּרִי. וְאֵינוּ פְּרִי. רַבִּי עֲקִיבָה לֹא יוֹדִי לְרַבִּי שְׁמַעוֹן. הֲרִי מְנוּמָר. הֲרִי גָדֹל בְּדַפּוּס. הֲרִי הוּא עָשׂוּי כְּכַדּוֹר. הֲרִי הוּא פְּסוּל בְּלוּלָב וְחֵיב בְּמַעֲשָׂרוֹת.

1 אמ' | ע או' אתרוג בוסר | ע - 4 יוסה | ע יוסי וכי | ע - בלולב | ע ללולב (2) 5 מנומר | ע המנומר הוא | ע - בלולב | ע ללולב 7 יודי | ע יודה (2) 8 בדפוס | ע בטפוס הוא | ע - בלולב | ע ללולב

<sup>91</sup>Rebbi Aqiba says an unripe cedrat is not a fruit, but the Sages say it is a fruit. Rebbi Hila, Rebbi Yasa, in the name of Rebbi Eleazar: It follows that Rebbi Simeon<sup>92</sup> follows the argument of his teacher, Rebbi Aqiba. Just as Rebbi Aqiba said it is not a fruit, so Rebbi Simeon said it is not a fruit. Rebbi Yose said, is everything qualified for *lulav* subject to tithes and everything disqualified for *lulav* not subject to tithes? Did they not object, there is the spotted one<sup>82</sup>, one that grew in a form<sup>93</sup>, or one shaped like a ball, which are disqualified for *lulav* but subject to tithes! It is reasonable {to hold that} Rebbi Simeon agrees with Rebbi Aqiba but Rebbi Aqiba does not agree with Rebbi Simeon. Rebbi Simeon agrees with Rebbi Aqiba since it is written *fruit*<sup>94</sup> and it is not a fruit. Rebbi Aqiba does not agree with Rebbi Simeon, there is the spotted one, one that grew in a form, or one shaped like a ball, which are disqualified for *lulav* but subject to tithes.

91 The origin of the paragraph is in unripe *etrog* from tithes.

*Ma'serot* 1:4, Notes 99-106, ע. A parallel 93 Greek τύπος.

but different discussion is in the Babli 36a/b. 94 *Lev.* 23:40.

92 In Mishnah *Ma'serot* 1:4 he frees

(53d line 53) **הלכה ח:** אֶנָּן תִּנְיִין כְּאֶגֶז. אֵת תִּנְיִי תִנִּי. עַד כְּאֶגֶז. מֵאֵן דָּאֻמֶּר. כְּאֶגֶז. כְּאֶגֶז. עֲצָמוּ כָּשֶׁר. מֵאֵן דָּאֻמֶּר. עַד כְּאֶגֶז. כְּאֶגֶז עֲצָמוּ פְּסוּל. אָמַר רַבִּי יוֹסֵה. אִילּוּ הָיוּ כְּתִיב וְכַפּוֹת תְּמָרִים. יָאוּת. לִית כְּתִיב אֶלָּא כַּפּוֹת תְּמָרִים. אֶפִּילּוּ זֶה בִּידּוֹ אַחַת וְזֶה בִּידּוֹ אַחַת. אָמְרוּ עָלָיו עַל רַבִּי עֲקִיבָה שֶׁנִּכְנַס לְבֵית הַכֶּנֶסֶת וְאֶתְרוֹג עַל קְתִיפּוֹ.

**Halakhah 8:** We have stated, “like a walnut.” There are Tannaim who state, “up to a walnut.” He who says “like a walnut”, as a walnut itself is qualified. He who says “up to a walnut”, as a walnut itself is disqualified.

Rebbi Yose<sup>95</sup> said, if there were written *and date-palm palms*, it would be correct. Only *date-palm palms* is written, even one in one hand and the other in the other hand. They said about Rebbi Aqiba that he entered the synagogue with an *etrog* on his shoulders<sup>96</sup>.

95 This possibly might refer to R. Yose the Tanna. The argument that the omission of the connective “and” in the list indicates that the *etrog* must be kept separate from the

other items is ascribed to R. Eleazar (the Tanna) in *Sifra Emor Perek* 15(7).

96 Babli 36b.

**משנה ח** אין אוגדין את הלולב אלא במינו דברי רבי יהודה. רבי מאיר אומר אפילו במשיחה. אומר רבי מאיר מעשה באנשי ירושלים שהיו אוגדין את לולביהן בגימוזית של זהב. אמרו לו במינו היו אוגדין אותו מלמטה: ואיכן היו מנגענעין בהודו ליי תחילה וסוף ואף באנא ה' הושיעה נא בדברי הלל. בית שמאי אומרים אף באנא יי תצליחה נא. אומר רבי עקיבה צופה הייתי ברבן גמליאל וברבי יהושע שקל-העם מטרפין בלולביהן והם לא ניגענעו אלא באנא יי הושיעה נא בלבד.

**Mishnah 8:** One ties the *lulav* only with its own kind<sup>97</sup>, the words of Rebbi Jehudah. Rebbi Meïr says, even with a string<sup>98</sup>. Rebbi Meïr said, it happened that the people of Jerusalem did tie their *lulavim* with golden jewels<sup>99</sup>. They told him, under these they tied it with its own kind. Where did they move<sup>100</sup>? At *thank the Eternal*<sup>101</sup> beginning and end, and also at *please, Eternal, please save*<sup>102</sup>, following the words of the House of Hillel. The House of Shammai say, also at *please, Eternal, please give success*<sup>102</sup>. Rebbi Aqiba said, I was watching Rabban Gamliel and Rebbi Joshua, when all the people were shaking their *lulavim* but they moved them only at *please, Eternal, please save*.

97 One ties myrtle and willow branches to the palm branch only with palm leaves, myrtle or willow branches, in order not to add an unauthorized kind to the 4 authorized

ones.

98 In his opinion the tying of myrtle and willow branches to the palm branch is common usage, not biblical commandment,



and the string never is counted as another kind.

99 Arabic נָמָא “jewels”.

100 In the synagogue the main service involving the *lulav* is the recitation of

*Hallel*, *Ps.* 113-118, where the *lulav* is moved at the recitation or repetition of designated verses.

101 *Ps.* 118:1,29.

102 *Ps.* 118:25.

הלכה ט: הא בהודו לא. להוציא. אף באנא יי הצליחה נא. (53d line 58)

**Halakhah 9:** Therefore not at *thank*<sup>103</sup>? To exclude also at *please*, *Eternal*, *please give success*.

103 Does R. Aqiba imply that Rabban Gamliel and R. Joshua did not move their *lulav* at the beginning and the end of *Ps.* 118, which is accepted by all traditions and

was never in doubt? The answer is that he only excludes action following the House of Shammai.

מַשְׁנֶה ט מי שָׁבָא בְּדֶרֶךְ וְלֹא הָיָה בְּיָדוֹ לִזְלוֹב בְּשִׁיבָתוֹ לְבֵיתוֹ יִטּוֹל עַל שׁוּלְחָנוֹ. אִם לֹא נִטַּל בְּשַׁחֲרִית יִטּוֹל בֵּין הָעֶרְבַּיִם שְׁכָל־הַיּוֹם כְּשֶׁר לְזִלוֹב: (fol.53b)

**Mishnah 9:** If somebody returns from a trip where he had no *lulav*, when he enters his house he can take it at his table<sup>104</sup>. If he did not take it in the morning he may take it in the afternoon since the entire day is qualified for the *lulav*.

104 And make the benediction (Note 67).

הלכה י: רב חייה בר אשי בשם רב. זה שהוא משפכים לצאת לדֶרֶךְ נוטל לזלב ומנענע. שופר ותוקע. לקשתגיע עונת קרית שמע הרי זה קורא את שמע ומתפלל. תני. צריך לנענע שלשה פעמים. רבי זעורה בעי. הכין חד והכין חד או הכין והכין חד. תמן תנינן. צריך לכסס שלש פעמים לכל דבר ודבר. רבי זעורה בעי. הכין חד והכין חד או הכין והכין חד.

**Halakhah 10:** Rav Hiyya bar Ashi in the name of Rav: If one rises early to go on a trip, he takes a *lulav* and moves it, or the *shofar* and blows it<sup>105</sup>. When the time arrives to read the *shema*<sup>106</sup>, he reads and prays. It was stated, he was to move three times. Rabbi Ze'ira asked, so one and so one, or so and so one one<sup>107</sup>? There, we have stated<sup>108</sup>: “He has to rub each kind three times.” Rabbi Ze'ira asked, so one and so one, or so and so one?

105 Babli *Berakhot* 30a.

106 At dawn.

107 The movement of the *lulav* is to move it away and return it near one's body. The question is whether this counts as one or as two motions.

108 Mishnah *Niddah* 9:7. In a test of a stain

whether it is from blood or not one has to move each chemical three times over the stain. The same question arises, are forth and back counted as two or one motions? Babli *Niddah* 63a; also *Menahot* 76a, *Bava gamma* 119b, in the name of R. Ze'ira's student R. Jeremiah.

(fol.53b) **משנה י** מי שֶׁהֵיָה עֹבֵד אוֹ אִשָּׁה אוֹ קָטָן מִקְרִין אוֹתוֹ עוֹנֶה אַחֲרֵיהֶן מִה שֶׁהֵן אוֹמְרִין וְתָהִי לוֹ מְאִירָה. אִם הָיָה גְדוֹל מִקְרָא אוֹתוֹ עוֹנֶה אַחֲרָיו תִּלְפָּה:

**Mishnah 10:** A person to whom a slave, or a woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him. If a male adult reads for him, he answers *halleluja* after him<sup>109</sup>.

109 An illiterate who does not know the *Hallel* by heart, must have the psalms recited to him to make the movements prescribed in Mishnah 8. If a person who is not obligated to recite the *Hallel* and to move the *lulav* (a slave, woman, or minor) recites for him, he does not fulfill his duty

by listening to them; he must repeat word for word. He is cursed for being an adult illiterate. If an obligated person reads for him, he is not different from people listening to the reader in the synagogue and answers *halleluja* 123 times (cf. *Šabbat* Chapter 16, Note 59).

(53d line 65) **הלכה יא:** תִּנִּי. אֲבָל אֲמָרוּ. אִשָּׁה מִבְּרַכַּת לְבַעֲלָהּ וְעֹבֵד לִרְבוֹ וְקָטָן לְאָבִיו. נִיחָא אִשָּׁה מִבְּרַכַּת לְבַעֲלָהּ. עֹבֵד לִרְבוֹ. קָטָן לְאָבִיו. לֹא כֵן אָמַר רַבִּי אֶחָא בְּשֵׁם רַבִּי יוֹסִי בֶן נְהוֹרִי. כָּל־שֶׁאֲמָרוּ בְּקוֹטָן כִּדִּי לְחִנּוֹכוֹ. תִּיפְתֵּר. בְּעוֹנֶה אַחֲרֵיהֶן אָמֵן. כִּהֵיָא דְתִינִינוּ תַּפְּלִין. מִי שֶׁהֵיָה עֹבֵד אוֹ אִשָּׁה אוֹ קָטָן מִקְרִין אוֹתוֹ וְעוֹנֶה אַחֲרֵיהֶן מִה שֶׁהֵן אוֹמְרִין וְתָהִא לוֹ מְאִירָה. [נְעוּד אֲמָרוּ]. תִּבּוֹא מְאִירָה לָבוֹן עֲשָׂרִים שָׁהוּא צְרִידָ לָבוֹן עֲשָׂר.

1 ועבד | ב ועבד מברך וקטן | ר (בן) [קטן] 1-2 נחא... לאביו | ב-ר [...] 2 יוסי | ר יוסה בן | ר בר' נהוריי | ב נהוראי 3 כהאי | ב כיי 4 מקרין | ר מקרים ועוד | ב אבל [...] ר - 5 שהוא צריך | בר שצריך

**Halakhah 11:** <sup>110</sup>It is stated: <sup>111</sup>“In truth, they said a woman may say Grace for her husband, a slave for his master, and a minor for his father. One understands a woman for her husband, a slave for his master<sup>112</sup>. A minor for his father? Did not Rabbi Aḥa say in the name of Rabbi Yose bar Nahora: All they said about a minor is for the latter's education<sup>113</sup>? Explain it that he recites after him, as we stated there<sup>114</sup>: “A person to whom a slave, or a

woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him.” [Also they said,] there should be a curse on the man of twenty years who needs the child of ten.

110 This Halakhah is copied from *Berakhot* 3:3, Notes 153-157, א. It also is copied in *Roš Haššanah* 3:10, ג.

111 Babli 38a, *Berakhot* 20b; Tosephta *Berakhot* 5:11.

112 Since they are obligated to say Grace after a meal. The Yerushalmi has no problem with women or slaves but for the Babli the question remains whether women

may in fact recite Grace for males who have an obligation from the Torah, i. e., who actually ate their fill.

113 The minor must be educated; there is an obligation on the father to teach him all religious obligations but the minor himself is not obligated and therefore cannot perform any religious duty for others.

מִשְׁנָה יא מְקוֹם שֶׁנֶּהֱגוּ לְכַפּוֹל יְכַפּוֹל לְפֶשׁוּט וּפְשׁוּט לְבֶרֶךְ אַחֲרָיו וְבֶרֶךְ. הַכֹּל בְּמִנְהַג הַמְּדִינָה. הַלּוֹקֵחַ לִזְלֵב מִחֻבְרֵי בִשְׁבִיעִית נוֹתֵן לוֹ אֶתְרוֹג. בְּמִתְנָה לְפִי שְׂאִין רִשְׁאִי לִיקְחוֹ בִשְׁבִיעִית: (fol.53b)

**Mishnah 11:** At a place where there is the custom to repeat, one repeats<sup>114</sup>, to recite a blessing afterwards, one recites a blessing afterwards<sup>115</sup>; everything follows local custom. If one buys a *lulav* from another in the Sabbatical year he has to give him the *etrog* as a gift since one is not permitted to buy it in the Sabbatical year<sup>116</sup>.

114 Verses *Ps.* 118:21-29 are customarily recited twice; either everybody recites them twice or the reader sings them first and the congregation repeats after him; cf. the author's *The Scholar's Haggadah*, p.368. In the Yemenite rite, also the starting clauses of *Pss.* 114, 116, 117, 118 are repeated by the congregation.

115 At the conclusion of the recitation of *Pss.* 113-118.

116 Edible fruits of the Land in the Sabbatical year are not the private property of the owner of the land; they cannot be objects of trade. But the branches of palm, myrtle, and willow are not edible and therefore can be objects of trade. In the Sabbatical year the *etrog* may not be sold separately; one sells the 4 kinds together and declares that payment is taken only for the three inedible kinds.

(53d line 71) **הלכה יב:** רב ושמואל. חד אמר הללו ליה. וחורנה אמר הללויה. מאן דאמר הללו ליה. נחלק ואינו נמחק. מאן דאמר הללויה. נמחק ואינו נחלק. ולא ידעין מאן אמר דא ומאן אמר דא. מן מה דאמר רב. שמעית מן חביבי. אם יתן לי אדם ספר תילים שלרבי מאיר מוחק אני את כל הללויה שבו. שלא נתכונן לקדשן. הוי דו אמר הללויה. מיליהון דרבנן פליגין. דאמר רבי סימון בשם רבי יהושע בן לוי. בעשרה לשונות שלשבח נאמר ספר תילים. באישור בניצוח בניגון בשיר במזמור בהשכל ברינה בתודה בתפילה בברכה. המאושר שביכולן הללויה. שהשם והשבח כלולין בו.

4 לקדשן | מ לקדשו 6 בתודה | מ (בתודה)

**Halakhah 12:** <sup>117</sup>Rav and Samuel. One said *hallelu yah*, and the other one said *halleluja*. For him who said *hallelu yah* it is split but cannot be erased<sup>118</sup>. For him who said *hallelujah* it may be erased but cannot be split<sup>119</sup>. We do not know who said what. Since Rav said, I heard from my uncle<sup>120</sup>, if somebody would give me a book of Psalms written by Rabbi Meir I could erase all *hallelujah* in it since he did not intend to sanctify them. This implies that he said *hallelujah*. The words of the rabbis disagree, as Rabbi Simon said in the name of Rabbi Joshua ben Levi, the book of Psalms was said with ten expressions of praise, with “hail”<sup>121</sup>, with “excellence”<sup>122</sup>, with melody, with song, with chant, with instruction,<sup>123</sup> with shout, with thanksgiving, with prayer, with blessing. The most beatific of all of them is *hallelujah* since both the Name and praise are contained in it<sup>124</sup>.

117 The source of the text for this and the next paragraphs is *Megillah* 1:11 (fol. 72a, m). Cf. *Babli Pesahim* 117a.

118 Since the name of God may not be erased (*Deut.* 12:4, referring to vv. 2,3.)

119 Biblical spelling does not admit splitting of words.

120 R. Hiyya the elder.

121 Psalms starting with אֲשָׁרִי.

122 Psalms starting with לְמִנְחָה.

123 Psalms starting with מְשֻׁכֵּל.

124 Therefore *hallelujah* cannot be erased since it contains the Name.

(54a line 4) רבי זעורה בעי קומי רבי אבהו. מה נעני. אמר ליה [רבי א]בא כיפה (קומד) [קומי]. רבי יונה עני הכין והכין. רבי לעזר לא עני הכין והכין. רב בשם רב אבא בר חנה בשם רב. והוא שענה ראשי פרקים. רבי זעורה בעי. והי לין אינו ראשי פרקים. הללויה | הללו עבדי יי הללו את-שם יי. בעון קומי רבי חיה בר בא. מניין אם שמע ולא ענה יצא. אמר לון. מן מה דאנן חמין רבין רב רביא קיימין בציבורא ואילין אמרין ברוך הבא. ואילין אמרין. בשם יי. ואילו ואילו יוצאין ידי חובתן.

1 בעי | מ בעא 'ר' א[בא] כיפה | מ הכא (כיפה) [הכא בפה] 2 הכין והכין | מ הכן והכן | מ לעזר | מ לעזר לא |

מ - 3 - | מ דתני שמע ולא ענה יצא. ענה ולא שמע יצא. בשם רב | מ ואית דאמרין. ר' אבא בר חנה בשם רב  
ב ואית דאמרין לה אבא בר חנה בשם רב. והיי | מ היי ב היי | ב אינון | 5 חמיין | ב חמי - | ב עבדין כן.  
אינון ואילין | ב דאילין | 6 ואילו ואילו | ב ואילין ואילין

Rebbi Ze'ira asked before Rebbi Abbahu: He told him, (as it comes in the mouth before you) [Rebbi Abba is on top before you].<sup>125</sup> Rebbi Jonah answered both ways. Rebbi Eliezer<sup>126</sup> did not answer any way<sup>127</sup>. Rav in the name of Rav Abba bar Ḥana<sup>128</sup>; in the name of Rav: Only if he answered at the start of the Chapters. Rebbi Ze'ira asked, what are the starts of Chapters? *Hallelujah, praise, servants of the Eternal, praise the Name of the Eternal*<sup>129</sup>. They asked before Rebbi Ḥiyya bar Abba: From where that he who heard but did not answer has fulfilled his obligation? He told them, since we are seeing great rabbis standing among the public when these say *praised be he who comes* and the others say *in the name of the Eternal*<sup>130</sup>, and both have fulfilled their obligation.

125 The scribe's text, supported by the text in *Megillah*, is the only one which makes sense. One may answer either *hallelu yah* or *hallelujah*.

126 With the text in *Megillah* read: Eleazar.

127 Here is a sentence missing, which is found in the origin in *Megillah*: "As it was stated: if he heard but did not answer he fulfilled his obligation, if he answered but did not hear he did not fulfill his obligation."

128 Again a clause missing from the parallel sources: {Some say, Rav Abba bar Ḥama}

in the name of Rav. Both statements are possible; the authors were cousins. Here starts a parallel in *Berakhot* 8:9, Notes 177-182, ב. Babli 38b.

129 Ps. 113:1. In Yemenite prayer books the instructions for the recitation are, with the responses added in brackets: *Hallelujah [hallelujah], praise, servants of the Eternal, [hallelujah], praise the Name of the Eternal [hallelujah]*. Babli 38b.

130 Ps. 118:26. Approved in the Babli 38b. Yerushalmi *Berakhot* 8:9 Note 178.

(54a line 12) תני רבי הושעיה. עונה הוא אדם אמן אף על פי שלא אכל. אינו אומר. ברוך  
שאכלנו. אם לא אכל. תני. אין עונין אמן ותומה ולא אמן קטופה. אי זו היא אמן ותומה.  
אמר רבי הונא. הון דחייב למברכה והוא עני ולא ידע מהו. תני. גוי שברך את השם עונין  
אחריו אמן. בשם אין עונין אחריו אמן. אמר רבי תנחומא. אם בירך גוי ענה אחריו אמן.  
דכתיב ברוך תהיה מכל העמים. גוי אחד פגע ברבי לשמעאל וברכו. אמר ליה. כבר מילתך  
אמירה. אחר פגע בו וקיללו. אמר ליה. כבר מילתך אמירה. אמרו ליה תלמידיו. רבי. היך  
מה דאמרת לגוי אמרת לגוי. אמר לון. ולא כן כתיב. אוריד ארור ומברך ברוך:

1 תני ר' הושעיה | ב תנא ר' אושעיא | אע"פ שלא | ב אפי' לא | ב אינו | 2 אם לא | מב אלא אם כן - | ב  
ולא אמן חטופה - | מב בן עזאי או'. העונה אמן יתומה יהיו בניו יתומין. קטופה. תיקטף שמתו. ארוכה. מ

יֹאדִיךְ יָמִים בְּטוֹבָה בְּמֵאֲרִיכִין לוֹ יָמָיו וּשְׁנוֹתָיו בְּטוֹבָה 3 ר' הוּנָא | מ רב חוּנָה הֵחָן דְּחִיב | מ הֵחָן דְּהָב ב דִּין דִּיתִיב עֲנִי | ב עֲנָה מֵהוּ | מ מָה הוּא עֲנִי ב לָמָּה הוּא עֲנָה 4 אֲמַן | מ - תַּמְחוּמָא | מ תַּנְחוּמָה 5 בִּר' | ב אֵת 6 אַחֲרִי | מ אֶחָד ב אַחֲרֵינָא אֲמִירוּ | מ אֲמִרִין לִיה | ב לוּ הִיךְ מָה | ב כְּמָה 7 לִדִּין | ב לַהֲדִין (2) וְלֹא | ב -

<sup>131</sup>Rebbi Hoshaya stated: One answers Amen even if he did not eat<sup>132</sup>, but he may not say: "Let us praise Him, of Whose bounty we ate," except if he did eat. It is stated<sup>133</sup>: "One answers neither an orphan Amen, nor a plucked<sup>134</sup> Amen. What is an orphan Amen? Rebbi Huna said, that is one who is obligated to recite a blessing, he answers Amen, and is not conscious for what he answered Amen. It is stated: One answers Amen after a Gentile who recited a benediction for the Eternal, but if he recited a benediction with the Name one does not answer<sup>135</sup>. Rebbi Tanhuma said, if a Gentile blesses you, answer after him Amen since it is written<sup>136</sup> *You shall be blessed by all peoples*. A Gentile met Rebbi Ismael and blessed him. He answered: The word about you has already been said. He met a second one who cursed him; he answered: The word about you has already been said. His students said to him: Rebbi, did you say to the one what you said to the other? He said to them, so it is written<sup>137</sup> *Those who curse you are cursed, but those who bless you are blessed*.

131 It seems that the original of this paragraph is in *Berakhot* 8:9.

132 A person hearing other people reciting Grace has to say Amen; obviously he cannot participate in reciting part of the text; cf. *Berakhot* 7:2.

133 Tosephta *Megillah* 3:27, Babli *Berakhot* 47a.

134 Amen not completely pronounced.

The other sources have here an addition: "Ben Azai said, if one answered an orphan Amen, may his children be

orphans; hurried, may the end of his days be hurried; plucked, may his soul be plucked off. For a long Amen, they lengthen his days and years in a good way."

135 Since the Gentile is not subject to our rules, if he praises the Eternal, one answers after him Amen. But if he uses a Jewish formula one may not answer after him Amen unless one has ascertained that he conformed with our rules (S. Liebermann.)

136 *Deut.* 7:14.

137 *Gen.* 27:29.

(54a line 21) רַבִּי הֵיךְ כּוֹפֵל בְּה דְּבָרִים. רַבִּי לְעֶזְרָ בֶּן פְּרָטָא פּוֹשֵׁט בְּה דְּבָרִים.

Rebbi used to repeat things in it; Rebbi Eleazar ben Proteus recited simply in it<sup>138</sup>.

138 In Mishnaic times the order of recital of Hallel was not uniform; uniformity was not intended.

(54a line 22) אָמַר רַבִּי לְעֶזְרָא. דְּזִקְנֵי הַגָּלִיל הֵימָּן. דְּזִקְנֵי הַגָּלִיל אֹמְרִים. אָסוּר לְמַסּוֹר לְמִי שֶׁהוּא חָשׁוּד עַל הַשְּׂבִיעִית מִזֶּוֹן שְׁתֵּי סְעוּדוֹת. אָמַר רַבִּי מַתְּנִיָּה. תִּיבָתָהּ. דְּבָרֵי הַכֹּל. כְּשֶׁהֱיוּ אֲתֵרוּגִים נִמְכָּרִין בִּיזְקָה. כִּהְדָּא. תִּירוּגֵינָא הוּוֹן מִצְפָּצְפִין תַּמּוֹן וְהוּא רַב נַחְמֵן בַּר יַעֲקֹב יְהִיב אֲתֵרוּגָא מִתְּנָה לְבָרִיהּ. אָמַר לֵיהּ. לְכַשְׁתְּזָפָה בּוּ וּבְמַצְוֹתוֹ הַחֲזִירָהּוּ לִי.

Rebbi Eleazar said, this follows the Elders of Galilea, for the Elders of Galilea say, it is forbidden to hand over food for two meals to a person suspect in matters of Sabbatical<sup>139</sup>. Rebbi Mattaniah said, explain it as opinion of everybody, in case that *etrogim* are sold at an elevated price<sup>140</sup>. <sup>141</sup>As the following: The cedrats<sup>142</sup> were scarce there when Rav Nahman bar Jacob gave an *etrog* as gift to his son and told him, if you have acquired it and fulfilled its obligation, return it to me<sup>143</sup>.

139 This refers to the last part of the Mishnah, where one has to be careful in a Sabbatical year not to buy the edible *etrog* from a person trading in Sabbatical produce. The Elders of Galilee do not permit to deal with such a person except for the absolute necessities of sustenance.

140 In this case there are great incentives to trade in *etrogim* in the Sabbatical year. The only way not to “put a stone before a blind man”, in this case to prevent the non-observant from trading in *etrogim*, is to

eliminate all considerations of money from the transfer of possession of the *etrog*.

141 *Gittin* 2:3, Note 68.

142 Persian *turung*, Farsi *תרנג* *toranj*, used for all citrus fruits.

143 This proves that the requirement that the *etrog* must be the personal property of the user may be satisfied even by a gift given on condition that it be returned; therefore certainly a permanent gift as described in the Mishnah.

(fol.53b) **משנה יב** בְּרֵאשׁוֹנָה הָיָה הַלּוּלָב נִיטָל בַּמִּקְדָּשׁ שֶׁבָּעָה וּבַמִּדְבָּר יוֹם אֶחָד. מִשְׁתַּחֲרַב בֵּית הַמִּקְדָּשׁ הִתְקִין רַבִּין יוֹחָנָן בֶּן זְכַרְיָא שְׂיֵהָא לּוּלָב נִיטָל בַּמִּדְבָּר שֶׁבָּעָה זָכַר לַמִּקְדָּשׁ. וְשִׂיֵּהָא יוֹם הַנֶּפֶךְ כּוּלּוֹ אָסוּר:

**Mishnah 12:** Originally the *lulav* was taken in the Temple for seven {days} and in the country<sup>144</sup> one day. After the destruction of the Temple, Rabban Johanan ben Zakkai instituted that the *lulav* be taken in the country for seven {days} as remembrance of the Temple, and that the day of waving be entirely forbidden<sup>145</sup>.

144 Anywhere in the world outside of the Temple Mount.

145 New flour is permitted for consumption by the *omer* sacrifice of newly cut barley, by pharisaic tradition on the 16<sup>th</sup> of Nisan; Lev. 23:14. In the Temple the sacrifice was

brought early in the morning; therefore new grain was permitted on that day. Rabban Johanan ben Zakkai instituted that new grain should not be used until it automatically became permitted on the 17<sup>th</sup>.

54a line 27) **הלכה יג:** כְּתִיב וּשְׂמַחְתֶּם לִפְנֵי יְיָ אֱלֹהֵיכֶם שְׁבַע יָמִים: אֵת תִּנְי תִּנְי. בְּשִׂמְחַת לִיָּלָב הַכְּתוּב מְדַבֵּר. אֵת תִּנְי תִּנְי. בְּשִׂמְחַת שְׁלָמִים הַכְּתוּב מְדַבֵּר. מָאן דְּאָמַר. בְּשִׂמְחַת שְׁלָמִים הַכְּתוּב מְדַבֵּר. בְּיוֹם הָרֵאשׁוֹן דְּבַר תּוֹרָה וּשְׂאָר כָּל־הַיָּמִים דְּבַר תּוֹרָה. וְרַבּוֹן יוֹחֲנָן בֶּן זַכַּי מֵתִקֵּין עַל דְּבַר תּוֹרָה. מָאן דְּאָמַר. בְּשִׂמְחַת לִיָּלָב הַכְּתוּב מְדַבֵּר. בְּיוֹם הָרֵאשׁוֹן דְּבַר תּוֹרָה וּשְׂאָר כָּל־הַיָּמִים מְדַבְּרִיהוּ. וְרַבּוֹן יוֹחֲנָן בֶּן זַכַּי מֵתִקֵּין עַל דְּבָרֵיהוּ. וְיֵשׁ הַתְּקֵנָה אַחֵר הַתְּקֵנָה.

**Halakhah 13:** It is written<sup>146</sup>: *and you shall enjoy before the Eternal, your God, for seven days*. There are Tannaim who state, the verse speaks of the enjoyment of well-being sacrifices<sup>147</sup>. There are Tannaim who state, the verse speaks of the enjoyment of the *lulav*<sup>148</sup>. For him who is saying, the verse speaks of the enjoyment of well-being sacrifices, the first day is from a word of the Torah and the other days are from a word of the Torah, and Rabban Johanan ben Zakkai instituted on basis of a word from the Torah<sup>149</sup>. For him who is saying, the verse speaks of the enjoyment of *lulav*, the first day is from a word of the Torah and the other days are from their words, and Rabban Johanan ben Zakkai instituted on basis of their words. But is there institution after institution<sup>150</sup>?

146 Lev. 23:40, the verse about the *lulav* and the 4 kinds.

147 The general exhortation to enjoy the holidays (Deut. 16:11,15) is read as referring to the joyous family meals connected with the holiday pilgrimage to the Temple. This interpretation would read the verse as duplicate of the same exhortation in Deut. 16:15.

148 This interpretation reads Lev. 23:40 separate from Deut. 16:15, commanding a *lulav* festivity in the Temple, “before the

*Eternal*”, in addition to the requirement of taking the *lulav* on the first day, independent of location. Babli 43a.

149 It is obvious that instead of “well-being sacrifices” one has to read “*lulav*”. Since in this case there is a biblical requirement to take the *lulav* for seven days in the Temple, taking the *lulav* for seven days has biblical roots, and the statement about Rabban Johanan ben Zakkai makes sense.

150 Here one has to read “well-being sacrifices”. If the verse does not force a



7-day observation of *lulav* anywhere, Rabban Johanan ben Zakkai would have extended a purely customary observation from the Temple to the outside world. Since rabbinic extensions of Biblical prescriptions

are legitimate only as “fences around the law”, extending any of these is unnecessary. Therefore Rabban Johanan ben Zakkai must have held that *Lev. 23:40* refers to *lulav* (Note 149). Babli *Šabbat* 11a.

מִשְׁנָה יג יום טוב הראשון של חג שחל להיות בשבת פלג העם מוליכין את לולביהן לבית הכנסת למחרת מושבימין ובאין כל אחד ואחד מכיר את שלו ונוטל. מפני שאמרו אין אדם יוצא ידי חובתו בלולבו של חברו ביום טוב הראשון של חג. ושאר ימות החג אדם יוצא ידי חובתו בלולבו של חברו:

**Mishnah 13:** If the first day of Tabernacles is a Sabbath, everybody brings their *lulav* to the synagogue<sup>151</sup>. The next day they come in the morning and everybody recognizes his own and takes it, since they said that nobody can fulfill his obligation with another person's *lulav* on the first day of Tabernacles; but on the other days of the holiday a person can fulfill his obligation with another person's *lulav*<sup>152</sup>.

151 On Friday afternoon since the *lulav* may not be carried in the public domain on the Sabbath. As Mishnah 4:3 shows, this refers to any place outside the Temple Mount, where the obligation to take the *lulav* is

biblical only on the first day.

152 Since the verse says: *You shall take for yourselves on the First Day*, implying it need not be yours on any other day.

54a line 35) חברייא בעון קומי רבי יונה. היד מה דאת אמר תמן. והקרבתם אשה ליי שבעת ימים. אין שבעה בלא שבת. ודכותה ושמתם לפני יי אלהיכם שבעת ימים. אין שבעה בלא שבת. אמר לון. שנייא היא. דכתיב ולקחתם לכם ביום הראשון חלק הראשון מהן. מעתה במקדש ידחה. בגבולין לא ידחה. אמר רבי יונה. אילו הוה כתיב ולקחתם לפני יי אלהיכם הייתי אומר. כן מיעט ובמקום אחר ריבה. אלא ולקחתם לכם. מכל מקום. ושמתם לפני יי אלהיכם שבעת ימים בירושלם.

The colleagues asked before Rabbi Jonah: Since you are saying there, *and you shall offer a gift to the Eternal seven days*<sup>153</sup>, there are no seven without a Sabbath<sup>154</sup>, why not similarly *and you shall enjoy before the Eternal, your God, for seven days*, there are no seven without a Sabbath<sup>155</sup>? He answered

them, there is a difference, for it is written *You shall take for yourselves on the First Day*, He separated the first from them<sup>156</sup>. Then it should push aside in the Temple, it should not push aside in the country<sup>157</sup>. Rabbi Jonah said, if it had said, “you shall take before the Eternal, your God,” I would have said, here he excluded and at another place included<sup>158</sup>. But *you shall take for yourselves everywhere, and you shall enjoy before the Eternal, your God, for seven days*, in Jerusalem<sup>159</sup>.

153 Lev. 23:8.

154 In the detailed list of the holiday sacrifices, Num. 28-29, it is written in v. 28:24 that on the Holiday of unleavened bread there have to be sacrifices for seven days. Therefore the mention of the seven days of sacrifices in Lev. 23:8, in the holiday list whose emphasis is not on the sacrifices, can be read as emphasizing that these sacrifices have to be offered also on the Sabbath, the Sabbath prohibition being not applicable in this regard.

155 By the argument of the preceding note, it should follow that the Sabbath prohibitions are nonexistent for taking the *lulav* on a Sabbath which is the first day of the holiday, since it was established in the preceding paragraph that the second part of Lev. 23:40 also refers to *lulav*.

156 Since there is no direct evidence that the second part of Lev. 23:40 must refer to *lulav*.

157 Since both Lev. 23:8 and Num. 28:24 refer to the Temple service, the argument should be transferable to Lev. 23:40.

158 It would be reasonable to restrict the rules of *lulav* to the Temple.

159 Since the first part of 23:40 is addressed to everybody everywhere, it excludes differentiating between Temple and outside for the rules of the first day. Since the rules “before the Eternal” refer either to the Temple, as in matters of sacrifices, or to the place of the Temple, as in the rules of Second Tithe (Deut. 14:26); by the previous argument this cannot apply to lifting the Sabbath rules on the first day, and, therefore, not to any other day.

**משנה יד** רבי יוסי אומר יום טוב הראשון של חג שחל להיות בשבת שכן והוציא את הלולב לרשות הרבים פטור מפני שהוציאו ברשות: מקבלת אשה מיד בנה ומיד בעלה ומחזרת למים בשבת. רבי יהודה אומר בשבת מחזירין ויום טוב מוסיפין ובמועד מחליפין. בלחמן שיש בו דעת לנגנע חייב בלולב:

**Mishnah 14:** Rabbi Yose says, if somebody forgot and took the *lulav* into the public domain on the first day of Tabernacles which is a Sabbath he is not liable<sup>160</sup> since he took it out with permission<sup>161</sup>.

A woman may receive<sup>162</sup> from her son's hand or her husband's hand and return it to the water on the Sabbath. Rabbi Jehudah says, on the Sabbath one returns, on the holiday one adds, on the intermediate days one exchanges<sup>163</sup>.

A minor who knows how to move is obligated<sup>164</sup> for the *lulav*.

160 He is not liable for a purification sacrifice even though bringing an object from the private into the public domain is a Sabbath violation (Mishnah *Šabbat* 1:1).

162 Not that he has permission to violate the Sabbath, but to take up the *lulav* which would be *muqseh* if the Sabbath were on another day of the holiday week.

162 The *lulav* when the men have performed the prescribed motions, since if it is not *muqseh* for one person it cannot be *muqseh* for another.

163 The water which keeps *lulav* and twigs fresh.

165 The obligation is not the minor's but his father's; cf. Note 113.

הלכה יד: הברייתא אמרין. דברי רבי יוסה. שמוצות עשה דוחה למצוה בלא תעשה. אמר לון רבי יוסי. לא מן הדא אלא מן הדא דאמר רבי אילא ויתני תמן. קד הנה המנהג בירושלם. אדם הולך לבית הכנסת ולולבו בידו. קורא את שמע ומתפלל ולולבו בידו. נכנס לבקר את החולה ולולבו בידו. לשאת את כפיו ולקרות בתורה נותנו להבירו. הניחו בארץ אסור לטלטלו. אמר רבי אבון. זאת אומרת שהוא אסור בהנניה. תני. מטלטלין עצי בשמים להרית בהן לחולה בשבת. רבנו דקיסרין אמרין. ערבה מותר להקיף בה לחולה בשבת. אף בסכין שלמילה כן. אף במצה כן. מן מה דאמר רבי יוחנן. דברי רבי יוסה. אפילו פירש חוזה אפילו על הציצין שאינן מעבדין את המילה. הדא אמרה. אף בסכין שלמילה כן. אף במצה כן.

**Halakhah 14:** The colleagues say, the words of Rabbi Yose<sup>166</sup> are that a positive commandment pushes aside a prohibition<sup>167</sup>. Rabbi Yose<sup>168</sup> told them, it is not from this<sup>169</sup> but as Rabbi Ila said and as is stated there<sup>170</sup>: “This was the usage in Jerusalem, a person goes to the synagogue with his *lulav* in his hand, goes to visit the sick with his *lulav* in his hand. he recites the *shema* and prays with his *lulav* in his hand. To lift his hands<sup>171</sup> or to read in the Torah, he hands it to another person<sup>172</sup>. If he put it down on the floor it is forbidden to move it<sup>173</sup>.” Rabbi Abun said, this implies that it is forbidden for usufruct. It was stated: One moves fragrant wood<sup>174</sup> to let a sick person smell it on the Sabbath. The rabbis of Caesarea are saying, one may wave the myrtle branch for a sick person on the Sabbath. <sup>175</sup>Does the same hold for a knife for circumcision, the same for unleavened bread? Since Rabbi Johanan

said, the words of Rabbi Yose, even if he finished he may return for fibers which do not invalidate the circumcision; this implies the same even for a knife for circumcision, the same for unleavened bread.

166 The Tanna.

167 The obligation to take the *lulav* has precedence over the prohibition of work on the Sabbath.

168 The Amora.

169 Since the Sabbath involves both a prohibition of work and an obligation of rest, the argument of the colleagues is not applicable.

170 Babli 41b, Tosephta 2:10.

171 A Cohen to pronounce the Priestly Blessing.

172 In the Babylonian sources (Note 170): "Puts it down on the floor."

173 In the Tosephta: Once he has completed

his obligation he is forbidden to move it. In both versions of the *baraita*, if a person takes up the *lulav* and takes it outside when he does not need it any more on that day, he is liable for a Sabbath violation also for R. Yose.

174 Which is neither food nor implement and therefore not anything for which a general permission is given to be moved on the Sabbath.

175 The text from here to the end of the paragraph is from *Šabbat* 19, Notes 140-141; also *Pesahim* 6:7, *Yebamot* 8:1 Notes 106-107.

הלכה טו: יודע לנענע חייב בלולב. יודע להתעטף חייב בציצית. יודע לדבר אבי מלמדו לשון תורה. יודע לשמור את קדו אוכלין על קדו תרומה. את גופו אוכלין על גופו טהרות. אבל אינו עובר לפני התורה ואינו נושא את כפיו ואינו עומד על הדוכן עד שיתמלא זקנו. רבי אומר. וכולהם מבו עשרים שנה ומעלה. שנאמר ויעמידו את-הקולס מבו עשרים שנה ומעלה לנצח על-מלאכת בית-י.

**Halakhah 15:** If he knows how to move<sup>100</sup> he is obligated for *lulav*. If he knows how to dress, he is obligated for *šišit*<sup>176</sup>. If he knows how to talk, his father teaches him the language of the Torah<sup>177</sup>. If he knows how to keep his hands clean, one eats heave on his hands<sup>178</sup>. If he knows how to keep his body clean, one eats food in purity on his body<sup>179</sup>. But he does not go before the Ark<sup>180</sup>, nor lift his hands<sup>171</sup>, nor stands on the podium<sup>181</sup>, before he grows a beard. Rabbi says, all of them at the age of twenty years<sup>182</sup>, as it is said<sup>183</sup>: *They appointed the Levites, twenty years or older, to direct the work of the Eternal's House.*

176 To have the tassels at the four corners of his toga. Babli 42a, *Arakhin* 2b;

Tosephta *Ḥagigah* 1:2.

177 Biblical Hebrew.

178 If he washes his hands and then touched heave, the latter is not impaired by his touch and may be eaten by pure Cohanim.

179 If he knows what brings impurity and states that he is pure, the touch of his body does not contaminate food prepared in purity.

180 As an appointed reader to lead the

congregation in prayer.

181 A Levite singing in the Temple.

182 Irrespective of whether he grew a beard or not.

183 *Ezra* 3:8. The age limit was established for the second Temple, therefore it is valid for the future. The pentateuchal age limit for Levites was 25 years; *Num.* 8:24.