

A

Sukka 31

Intro

Today we will בע"ה ו פמס סוכה סוס מסי סוכה מסי סוכה מסי סוכה מסי סוכה מסי סוכה מסי בע"ה Some of the topics we will learn about include the following:

The status of a stolen סוכה - may it be used?

When must a thief return a stolen object, and when does he only repay its value.

Do a אתרוג and אתרוג and הדר according to הדר?

Adding or subtracting from the four species

The status
of a
STOLEN ADID

When must a thief
return a
stolen object
When does a thief
repay
its value

Do a

אתרוג and לולב

need to be

הדר

according to אפיי יפיי יפיי יפיי יפיי יפיי ארבליים ארב

תקנת מריש • סק

Some of the key terms and concepts we will learn about include:

The enactment regarding a stolen crossbeam. If someone stole a crossbeam and built it into a structure, he does not have to demolish the building in order to return it, he only has to pay its value. This was enacted to make משובה easier. This leniency was extended even to a Sukkah, in which removing the beam would be less costly.

- A comparison within a פסוק.







סצוה מוסיף - The prohibition against adding to a מצוה

- That lives on its tree from year to year. The פסוק that teaches that the אתרוג is the fruit we need for the Mitzvah uses the word הדר. It can be translated as beauty, or it can be translated as that lives, because ד is the root of the word lives. The ה could be understood as a prefix, and not part of the actual word for beauty.



כתותי מיכתת שיעוריה - It's measurement is considered pulverized. The four species must be a certain length. If one of them must be burned, they are considered less than the requisite size, even while they are still whole, and are invalid for the מצוה.









So let's review...

This Daf begins with a discussion about a stolen סוכה מירים ת"ר סוכה גזולה והמסכך ברשות הרבים ר'ר אליעזר פוסל וחכמים מכשיריו

A stolen Sukkah, or a Sukkah built in the public domain - which רש"י says is also considered stolen, since it was built on land belonging to the public - are סכול according to ר' אליעזר, and Kosher according to חכמים.

רב נחמן clarifies;

מחלוקת בשתוקף את חבירו והוציאו מסוכתו

This Machlokes is only in a case where he forcibly removed another person from his Sukkah, and now wants to use it himself.

ר' אליעזר holds the Sukkah is Posul, because אין אדם יוצא ידי חובתו בסוכתו של חבירו –

A person cannot fulfill his obligation with someone else's Sukkah.

Regardless whether he holds

קרקע גגזלת, land can be stolen, and this is a סוכה, or if he holds

תנגולת, land cannot be stolen, and this is a סוכה – In either case, the Sukkah is not his.

The חכמים hold the Sukkah is Kosher, because

- אדם יוצא ידי חובתו בסוכתו של חבירו

A person CAN fulfill his obligation with someone else's Sukkah – AND, since they hold סוכה, this is a סוכה שאולה.

אבל גזל עצים וסיכך בהן דברי הכל אין לו אלא דמי עצים

However, in a case where he stole wood and made a Sukkah from it, everyone agrees that he only has to pay back the value of the wood, and the Sukkah is his.

Rashi gives two reasons:

-1- דקננהו בשינוי מעשה ושינוי השם

He acquires it based on physical change, or name change.

- משום תקנת השבים -2-

As the Gemara next teaches:

האי כשורא דמטללתא דגזולה

עבדי ליה רבנן תקנתא

משום תקנת מריש

If someone stole a crossbeam and built it into a structure, he does not have to demolish the building in order to return it, he only has to pay its value. This was enacted to make תשובה easier.

This leniency was extended even to a Sukkah, in which removing the beam would be less costly.

The גמרא adds that after Sukkos, when he dismantles the Sukkah, the beam must be returned to the owner as is, unless it was cemented in to the Sukkah.

=======











The גמרא next begins discussing a dry לולב: The Mishnah said; והיבש פסול

The Gemara cites a Braisa that this is actually a Machlokes: תנא יבש פסול רבי יהודה מכשיר

רבא explains that the Machlokes is based on the following: The Posuk says;

ולקחתם לכם ביום הראשון פרי עץ הדר כפות תמרים וענף עץ עבות וערבי נחל

These phrases refer to the ארבע מינים – The Four Species, known as:

אתרוג לולב הדסים ערבות – באתרוג דברי הכל הדר בעינן –

All agree that the Esrog must be הדר - beautiful, since the word is written regarding the Esrog - פרי עץ הדר.

The Machlokes is regarding the לולב, and the others:

דרבנן סברי

מקשינן לולב לאתרוג

מה אתרוג בעי הדר

אף לולב בעי הדר

The יבש פסול hold יבש, because we make a היקש, a comparison, of the אתרוג, and the Lulav must also be הדר.

ורבי יהודה סבר

לא מקשינן לולב לאתרוג

רבי יהודה holds that יבש כשר, because we do not make the היקש, and the לולב need not be הדר.











The גמרא presents 2 rulings of רבי יהודה, which seem to indicate that he does require the הדר – and answers that they are based on other reasons.

-1-

נפרדו עליו כשר

רבי יהודה אומר יאגדנו מלמעלה

If the leaves of the Lulav are spread apart, the Tana Kamma holds it is Kosher, and R' Yehuda holds he must tie them together, otherwise it is Posul.

The גמרא explains that R' Yehuda's reasoning is not because of הדר, but because

כפות תמרים, which literally means branches of the palm, can also be read as

כפות (kafus) - tied up - to teach

יכפתנו - if it was spread apart, you should tie it up.

-2-אין אוגדין את הלולב אלא במינו

> with its own kind, such as pieces of לולב or הדסים, or ערבות. them, it would be adding a fifth species.

R' Yehuda holds that we must bind the species together only The גמרא explains that R' Yehuda's reasoning is not because of הדר, but because he holds לולב צריך אגד - the לולב bundle must be bound together, and if some other species was used to bind

R' Yehuda's reasoning is not because of הדר, but because כפות תבורים 8 אין אוגדין את הלולב אלא במינו דברי רבי יהודה R' Yehuda's reasoning

> is not because of הדר, but because he holds לולב צריך אגד

As part of this discussion the Gemara cited a Braisa which teaches;

כשם שאין פוחתין מהן כך אין מוסיפין עליהן

Just like we may not use less than these four species, we may not add to them either. Although this seems obvious because adding to them would be a transgression of בל תוסיף,









we might have thought that since לולב צריך אגד holds לולב צריך אגד, if this additional species was not bound with the others it would not be a problem, the ברייתא teaches us otherwise.

10 We might have thought since לולב צריך אגד, *if this additional species* was not bound with the others it would not be a problem

The ברייתא also teaches: לא מצא אתרוג לא יביא לא פריש ולא רמון ולא דבר אחר If you don't have an Esrog you cannot replace it with anything else - and that also seems obvious. The גמרא explains that we might have thought it is okay to use something else אתרוג in order that the Mitzvah of כי היכי, שלא תשכח תורת אתרוג not be forgotten. The ברייתא teaches us otherwise, because זימנין דנפיק חורבא מיניה דאתי למסרך, it can result in harm - people might think that this is acceptable even when you have an אתרוג.



The גמרא now refutes רבא's opinion that ד' יהודה requires at least the אתרוג - from an explicit ברייתא: ת"ש אתרוג הישן פסול ורבי יהודה מכשיר

The Tanna Kamma says that an old אתרוג is ססול, but רבי יהודה says it is כשר.

An old אתרוג is certainly dried out, and not הדר, and רבי יהודה still says it is valid.





13

R' Yehuda interprets the word הדר as; הדר באילנו משנה לשנה,

The אתרוג is a fruit that lives on its tree from year to year, as opposed to other fruits that fall off at the end of one season.



14

The גמרא then presents 3 rulings of רבי יהודה, which seem to indicate that he does require the אתרוג to be הדר – and answers that they are based on other reasons.

-1-

הירוק ככרתי

רבי מאיר מכשיר

ורבי יהודה פוסל

R' Yehuda disqualifies a very green Esrog - Not because of הדר - but

משום דלא גמר פירא

If it is so green, it is not fully grown, and is not considered a - פרי a fruit.



Œ

-2-

שיעור אתרוג קטן רבי מאיר אומר כאגוז

רבי יהודה אומר כביצה

The minimum size for an אתרוג to be Kosher is a walnut, according to רבי מאיר, and an egg, according to רבי יהודה. Not because of הדר - but

משום דלא גמר פירא

If it is so small, it is not fully grown, and not considered a פרי.





DafHachaim.org

Review



16

-3-ובגדול

כדי שיאחוז שנים בידו אחת דברי רבי יהודה רבי יוסי אומר אפילו אחד בשתי ידיו

רבי יהודה holds that he maximum size of an Esrog is to be able to hold two Esrogim in one hand. רבי יוסי holds it may be as large to need two hands to hold it.

Apparently, רבי יהודה holds that an oversized Esrog is not הדר?



However, the Gemara gives a different reason. לולב בימין ואתרוג בשמאל -

The לולב bundle must be held in the right hand, and the אתרוג in the left hand. Sometimes they may have been switched, and in the repositioning, if the אתרוג is too large, it might be dropped, and become Posul.

=======



The משנה continues to explain our משנה at the beginning of the Perek:

של אשירה ושל עיר הנדחת פסול

A לולב from an Asheira tree, or from a tree of an Ir Hanidachas, is פסול.

The Gemara asks;

והאמר רבא לולב של ע"ז לא יטול

אם נטל כשר

Rava says that, of course, one should not use such a Lulav, but if he did, he was איצי.











The Gemara answers; הכא באשרה דמשה עסקינן דכתותי מיכתת שיעוריה

The Mishnah is speaking of the time of מורה, when the תורה says that all ארץ ישראל trees that were found in ארץ ישראל when it was conquered, are not only אסור בהנאה, but must be burned. Therefore, as Rashi explains, based on the principle of – כל העומד לשרוף כשרוף דמי

That which is meant to be burned is Halachically considered as if it is burnt, the measurement of this Lulav is considered pulverized, and no longer has the required שיעור, and is therefore Posul.

Rava, however, is speaking of later times, when an אסור בהנאה is merely אסור בהנאה, but need not be burned, and, as Rashi explains, based on azilu לאו ליהנות ניתנו מצוות לאו ליהנות ניתנו כלומר אין קיום מצות הנאת הגוף אלא עבודת עבד לרבו

Fulfilling a Mitzvah is not considered a הנאה, and he is therefore

========





