

## פרק שלישי: לולב הגדול Introduction to

The **תורה** commands us (see v1 below) to “take for yourselves”, on the first day of **סוכות**, the four species. Our chapter presents the various laws of validity of each of the four **מינים** and general invalidating considerations (e.g. **גזול** and **יבש**). After having presented the parameters of **כשרות** of each of the four, the **פרק** then focuses on the fulfillment of the **מצוה**.

6.3.1; 29b (א) → 31a (ליה) (משנה א)

Note: as per v. 1, the only command **מן התורה** affecting those outside of the **מקדש** vis-à-vis the **מינים** is on the first day; due the consideration of “**לכם**”, all four **מינים** must be owned by the one fulfilling the **מצוה**. In the aftermath of **הבית**, **חרבן**, **ריב** ordained that we all take **לולב** for all 7 days – but there is no requirement of “**לכם**” after the first day(s).

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| (1) | וְלִקְחֶתֶם לָכֶם בַּיּוֹם הָרִאשׁוֹן פְּרִי עֵץ הָדָר כַּפַּת תְּמָרִים וְעֵנָף עֵץ עֵבֶת וְעֵרְבֵי נָחַל וּשְׂמַחְתֶּם לִפְנֵי ה' אֱלֹהֵיכֶם שִׁבְעַת יָמִים: וַיִּקְרָא כַּג, מ                      |
| (2) | וְאָמַרְתֶּם הִנֵּה מִתְלָאָה וְהַפְחַתֶּם אוֹתוֹ אָמַר ה' צִבְאוֹת וְהִבְאֵתֶם גְּזוֹל וְאֵת הַפֶּסַח וְאֵת הַחֹלֶה וְהִבְאֵתֶם אֶת הַמִּנְחָה הָאֲרֶצָּה אוֹתָהּ מִיָּדְכֶם אָמַר ה': מִלֹּאמִי א, יג |
| (3) | דָּבָר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתֶּם אֲלֵהֶם אָדָם כִּי יִקְרִיב מִכֶּם קָרְבָּן לֵה' מִן הַבְּהֵמָה מִן הַבָּקָר וּמִן הַצֹּאן תִּקְרְבוּ אֶת קָרְבְּנֵיכֶם: וַיִּקְרָא א, ב                      |
| (4) | כִּי אָנֹכִי ה' אֹהֵב מְשֻׁפָּט שֹׂא גֹזֵל בְּעוֹלָה וְנִתְּתִי פְעֻלָּתָם בְּאֶמֶת וּבְרִית עוֹלָם אֲכָרוֹת לָהֶם: יִשְׁעִיהוּ סא, ח   |

### I. Parameters of validity for לולב: משנה א

- Essential invalidity:** stolen or withered
- Theoretical nonexistence:** if coming from **אשירה** tree or **עיר הנדחת** (since it must be destroyed – gone)
- Local issues:** if the top was cut off or the leaves fell off – invalid
  - However:** if the leaves fanned out – valid
  - ד' יהודה:** in that case, he must bind them together on top
- Alternate species:** **ציני הר הברזל** (other kind of palm) are valid
- שיעור:** must be 3 **טפחים** tall - enough to shake it

### II. Revisiting the opening invalidity – גזול

- Observation:** **רישא** unqualified – both **יבש** and **גזול** are invalid all days (not just 1<sup>st</sup> day)
  - Understood:** why **יבש** is invalid all 7 days – lacks **הדר** (v. 1)
  - However:** **גזול** should be valid after 1<sup>st</sup> day, when **לכם** no longer applies
- Answer** (ר' יוחנן בשם רשב"י): **מצוה הבאה בעבירה**
  - Background:** in v. 2, **מלאכי** equates **גזול::פסח**
    - Just as:** **פסח** cannot be repaired
    - Similarly:** **גזול** cannot be repaired – even after **ייאוש**, invalid as a **קרבן**
    - Question:** before **ייאוש**, invalidity for **קרבן** understood (due to v. 3 – **מכם**)
    - However:** after **ייאוש**, should be valid – as it belongs to donor
      - Rather:** it must be invalid due to **מצוה הבאה בעבירה**
    - Explanation:** based on v. 4 – ה' teaches us to reject **גזילה** by rejecting it Himself
  - Support:** **אמי ר' taught** this way as well
  - Contra:** **שמואל** who limited invalidity of **גזול** to 1<sup>st</sup> day due to a failure of “**לכם**”
    - Argument:** since one can fulfill obligation with borrowed **לולב**, may also use **גזול**
    - Challenge** (ר"י): implication of our **משנה** is that **שואל** is valid → must be after 1<sup>st</sup> day
      - Defense** (רבא): **משנה** is in re 1<sup>st</sup> day; **שואל** is more obviously invalid
        - However:** **סד"א** that in case of **גזול**, he acquired through **יאוש** himself – **קמ"ל**
- Advice:** **ר"ה** instructed Jews who buy **הדסים** from non-Jews to have the **נכרי** cut them
  - Reason:** assumption that the land is stolen – but **גזולת** is not
  - Therefore:** have them cut them, so that the **יאוש** happens in their possession
    - And then:** **שנוי רשות** when it goes to Jewish buyers
    - Challenge:** why can't **שנוי רשות** happen when they sell it to end-user?
      - Answer:** the buyer might be the end-user himself
    - Challenge:** why aren't the buyers **קונה** via **מעשה** (אגד)?
      - Answer1:** we hold **אגד** אין צריך **אגד** (→ not reckoned as **מעשה**)
      - Answer2:** even if **אגד** צריך **אגד**, this is a change that reverts – not **קונה**
    - Challenge:** why not acquire via **שינוי השם** (was “**אסא**”, now called “**הושענא**”)?
      - Answer:** they sometimes call it **הושענא** even before cutting off branch