



DERECH B'YAM HATALMUD



**A GUIDED APPROACH TO UNDERSTANDING
THE MITZVAH OF BEAUTIFYING
THE ARBA'AH MINIM**

**מסכת סוכה דף כט:-ל.
פרק לולב הגזול**

Rabbi Yehuda Berinstein
Rabbi Michoel Gros

*L'ilui Nishmas habachur hachashuv
Yonatan Simcha ben Doniel a"h
(Yoni Ashburn)*

Derech B'Yam HaTalmud presents a guided approach to aid in the learning and teaching of the גמרא with the understanding of the commentators.

The גמרא at the beginning of פרק לולב הגזול discusses particular rules related to the לולב. The following is an elucidation of some of the related issues. It is intended to aid in the learning of the topics, but not as a guide to the הלכות of the ארבעה מינים.

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Rabbi Michael Gros

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How to Use This E-Book

Derech B'Yam HaTalmud provides a guided approach to aid in the learning and teaching of גמרא בעיון. This E-Book on the beginning of פרק לולב הגזול is arranged to provide the tools to encourage independent study of the גמרא and its commentators (but it is neither a replacement for learning directly from a teacher, nor a guide to the laws).

The E-Book is divided into three **Sections** which discuss issues from the משנה and גמרא in מס' סוכה דף כט:-ל.

Each **Section** is divided into two segments. The first is a guide for the **Preparation** of the גמרא and the commentators. The second is the **Analysis** of these sources.

The Preparation segment begins with an **Overview** which provides a summary of the particular issues which will be covered in the section.

Following the Overview is a list of מראה מקומות sources which should be learned in preparation. The sources will be analyzed and explained within the Analysis portion.

The מראה מקומות do not list every comment of רש"י, but it is recommended to learn all of his comments since they provide essential background information. Specific comments of רש"י are highlighted. They should be learned in depth since they will be analyzed in the text.

Next is the **Points to Consider** page which highlights particular themes and topics which you should explore as you learn the sources. These items will be discussed in the analysis text of the unit.

The Analysis segment of each section follows the Points to Consider page. It begins with an indented, italicized summary of the specific section of משנה and גמרא which will be discussed. This is followed by the text which guides the learning and examination of the sources.

Questions brought in the text explore specific issues which will be addressed. It is recommended to try to suggest answers to these questions on your own before seeing how the text answers them.

Please send comments and questions to derechbyam@gmail.com

Wishing you tremendous success in your learning,

*Yehudah Berinstein and Michoel Gros
Ramat Beit Shemesh, Eretz Yisroel
Tishrei 5782*

SECTION ONE



Understanding the Requirement of ארבעה מינים הידור

מס' סוכה דף כט:

OVERVIEW

The first משנה of פרק לולב הגזול lists several laws related to the לולב. The second one mentioned is היבש פסול – a dried-out Lulav is invalid. רש"י gives a source for this rule. תוס' disagrees with him regarding the source and its application. Their disagreement has wide ramifications regarding the rules and significance of beautifying the ארבעה מינים.

מראה מקומות

- משנה דף כט:
- גמרא לא. מ- "מרא רבא מחלוקת בלולב" עד "דברי הכל הדר בעינן"
- גמרא יא: מ- "ובפלוגתא דהני תנאי" עד "התנאה לפניו במצות"
- רש"י - כט. (ד"ה "יבש")
- רש"י - לא. (ד"ה "אבל אתרוג...")
- תוס' - כט. (ד"ה "לולב יבש פסול")
- כפות תמרים (ד"ה "מתני לולב הגזול" מ- "וכי תימא")
- ערוך לנר (ד"ה "בתוס'")
- מאירי (ד"ה "ואחר שביארנו" מ- "ומתוך כך")

SECTION ONE



POINTS TO CONSIDER

Point One – Why is a dried-out לולב invalid?

The משנה on מ"ב teaches דף כ"ט: on משנה. What is the reason for this prohibition? Does it only apply לכתחילה, or does it invalidate the לולב even on a בדיעבד level?

See רש"י (ד"ה "יבש") who suggests a source for this rule.

מס' סוכה רש"י based on two other sources from תוס' (ד"ה "לולב היבש פסול").

How would רש"י answer these questions?

The כפות תמרים (ד"ה "מתני לולב הגזול") discusses several points, including how רש"י could defend himself from the challenges of תוס'.

How does the כפות תמרים understand the requirement of הידור for each of the מינים? How does he understand the verse "ולקחתם לכם..." which the גמרא brings later?

See also the ערוך לנר (ד"ה "בתוס'") who approaches the discussion differently but concludes with a similar answer:

The חידושי המאירי (ד"ה "ואחר שביארנו") brings a different approach to defend רש"י.

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Summary of the משנה

The opening משנה of the third פרק of סוכה מס' teaches several rules related to the לולב. (The first two are listed here.)

*First, it teaches: לולב הגזול – a stolen Lulav – is invalid.
רש"י (ד"ה "לולב הגזול") says: a stolen לולב is פסול because the verse "ולקחתם לכם..." – you must take it – requires the items to be לכם – yours.*

Second, והיבש פסול – and a dried-out one is invalid.

QUESTION: What is the reason that a לולב היבש is invalid? Does this rule only apply לכתחילה, or does it invalidate the לולב even on a בדיעבד level?

The ראשונים disagree on the source that a dried-out לולב is invalid:

רש"י (ד"ה "יבש") says that we learn from the verse "זה קלי ואנוהו" that a dried-out לולב is not מהודרת – lacking in beauty.

תוס' (ד"ה "לולב היבש פסול") raises two challenges on רש"י, based on two other sources from מס' סוכה:

Question One

First, he asks from the גמרא on לא which brings a היקש (application of a law from one case to another, based on their juxtaposition in a single verse) between the אתרוג and the לולב as the source that לולבים have a requirement of הידור.

Summary of the גמרא on דף לא.

The גמרא in the middle of דף לא cites רבא who says that there is a מחלוקת whether the requirement of הידור applies to לולבים.

"ולקחתם לכם ביום ה' היקש in the verse of רבנן learn that there is a היקש which compares the לולב to the אתרוג. It teaches that just as the אתרוג has a requirement of הידור, so does the לולב.

רבי יהודה disagrees and says that we do not make the היקש. (Therefore, רבי יהודה says that the requirement of הידור does not apply to the לולב.

... אבל אתרוג... – But according to רבי יהודה, the אתרוג must be beautiful.

רש"י (ד"ה "אבל אתרוג...") says that according to רבי יהודה, this requirement learned from the word "הדר" applies only to the אתרוג and cannot be applied to the other items.

on asks: we see that the גמרא on לא. learns the requirement of הידור from the word "הדר", both for the אתרוג and the לולב according to the רבנן. Why does רש"י suggest a different source, that this rule is learned from the verse וְאֵנֹהוּ קְלֵי וְאֵנֹהוּ?

Question Two

... דאין ואנוהו... asks a second question, on the statement of רש"י that a לולב היבש is invalid even בדיעבד due the verse וְאֵנֹהוּ קְלֵי וְאֵנֹהוּ.

רש"י says that the requirement of וְאֵנֹהוּ קְלֵי וְאֵנֹהוּ only applies לכתחילה. If an item is lacking beauty, it does not fulfill this verse, but it does not invalidate the item. (This does not fit with the rule in our משנה that a לולב היבש is invalid.)

– He says that this can be seen in the גמרא on דף יא: which discusses whether there is an obligation to tie the מינים together.

Summary of the גמרא on דף יא:

The גמרא on the bottom third of דף יא: discusses whether the ארבעה מינים require אגוד – to be tied together.

– This (aforementioned debate regarding whether we learn the rules of לולב from סוכה) corresponds to a debate between the following תנאים:

The רבנן hold that a לולב (referring to the מינים) is valid whether or not it is tied together.

רבי יהודה says it that it is valid only if it is tied together. The גמרא brings a source for his opinion and for why the חכמים say otherwise.

...

לולב מצוה לאוגדו – The גמרא then cites a ברייתא which teaches: *כמאן אזלא* – a person is obligated to tie his שלשה מינים together, *ואם לא אגדו* – but if he did not do so, they are still כשר. The גמרא asks: which תנא does this ברייתא follow?

אי ר' יהודה – The גמרא says that the ברייתא cannot be going like רבי יהודה because, according to him, if they were not tied together, they would not be כשר.

אי רבנן – The גמרא says that the ברייתא can also not be going like the רבנן, because they do not hold that it is a מצוה to bind the מינים together.

לעולם – The גמרא answers: in actuality, it is possible to say that the ברייתא follows the רבנן. How would they explain the fact that the ברייתא calls the binding of the מינים together to be a מצוה?

It answers: this is a fulfillment of the verse "זה קלי ואנוהו", which teaches: *התנאה לפניו במצות* – beautify yourself in front of Me by performing the commandments.

This verse indicates that the requirement learned from the verse "זה קלי ואנוהו" applies לכתחילה. If it was not observed, it does not invalidate the מצוה.

We see from דף יא: that the requirement of אגד, which is learned from the verse זה קלי ואנוהו, only applies לכתחילה. This teaches us that the requirement of הדר (which according to רש"י is learned from "זה קלי ואנוהו") also should only apply לכתחילה.

Therefore, תוס' asks, how can רש"י say that a לולב היבש is invalid because of זה קלי ואנוהו, and that this applies even בדיעבד?

In Summary

רש"י asks two questions on תוס':

First, רש"י say that a לולב היבש is invalid because its dryness is a lack of הידור, and that this is learned from the verse "זה קלי ואנוהו". How can he say this, since the גמרא on א: say that the requirement of הידור in a לולב is learned from איתרוג to the היקש?

Second, how can רש"י hold that an item which does not fulfill the requirement of the verse "זה קלי ואנוהו" is invalid even בדיעבד? The גמרא on א: says that "זה קלי ואנוהו" is only a לכתחילה requirement, but failing to fulfill this would not invalidate an item בדיעבד.

QUESTION: How would רש"י answer these questions?

Two approaches from the מפרשים:

Approach One

The כפות תמרים (ד"ה "מתני לולב הגזול") suggests a response for רש"י to the two questions of תוס'.

From the words וכי תימא he initially addresses a different question. He asks why the order of the מינים mentioned in the משנה here and in the following three משניות does not follow the order found in the verse "ולקחתם לכם...". The פסוק first mentions the אתרוג and then the לולב, while the משניות begins with the לולב, followed by the הדס, the ערבה, and the אתרוג only at the end. Why does the משנה here not begin with the laws of the אתרוג?

He suggests two answers to this question.

First, he says that the משנה mentions the לולב and then the הדס and then the ערבה because באנפי נפשינו בעינן לקיחה – these are held together in the right hand. The אתרוג is listed separately because it is held separately in the left hand.

אי נמי – Alternatively, there are different sources for the requirement of הידור in each of the מינים. He says that the requirement of הידור for the לולב and הדס and ערבה is from the verse "זה קלי ואנוהו". In contrast, the requirement for an אתרוג to be beautiful is from the verse "פרי עץ הדר".

וילפינן – Without a היקש from the אתרוג, we would learn that the שלשה מינים need to be מהודר from the verse "זה קלי ואנוהו", which would only apply לכתהילה. However, once we have the היקש from the אתרוג to the other three מינים, this teaches that if they lack הדר (such as if they are dried-out), they are פסול, even בדיעבד.

אף על גב – He says that one might think that the verse "...פרי עץ הדר כפת תמרים" is not the source for the requirement of הידור for all of the items, דאפסקיה – since it has a break in it, since it is written without a "ו" connecting the two phrases. This might indicate that there is no היקש connecting the rules of the two מינים. But once we say that all four מינים have a requirement of הידור, then, because of the היקש, we say that they are all invalid if they lack הידור.

The verse "זה קלי ואנוהו" teaches that there is indeed a requirement of הידור for the other מינים, and, as a result, we make the היקש to them from the אתרוג, which also has a requirement of הידור.

He concludes by saying that this is the reason that the משנה lists the שלשה מינים first, because their requirement of being הדר is learned as a דרשה from the אתרוג. Since a rule

which comes from a דרשה has a special significance, the משנה lists the rules of the three מינים first since they are learned from a דרשה.

The כפות תמרים is answering both questions of תוס' here. רש"י brings the source of "זה קלי ואנוהו" to show us why a היקש is made between אתרוג and לולב. If the source was from "זה קלי ואנוהו" alone, the requirement for the three מינים to be הדר would only apply לכתחילה. Once we know that there is a היקש, it teaches that הדר is a requirement of all four מינים, and that it applies both לכתחילה and בדיעבד.

QUESTION: Why does the verse of "ולכחתם לכם..." not include a "ו" between the two phrases if there is a היקש connecting them together?

The כפות תמרים answers from a later גמרא, which teaches that if the "ו" was included, it would teach that the אתרוג must be included in the אגד with the other three מינים. Because this is incorrect, the פסוק does not include a "ו". The lack of a "ו" between the phrases in the פסוק teaches that while the three מינים are tied together, the אתרוג remains separate.

The ערוך לנר (ד"ה "בתוס'") approaches the discussion differently than the כפות תמרים, but he arrives at a similar answer:

He cites the suggestion of תוס' on לא. רבי יהודה does not hold of the היקש because he understands that the requirement of הדר (learned from "עץ פרי הדר") applies to fruit alone. This prevents the היקש from being made between the אתרוג and the לולב.

The רבנן might also be compelled to hold that there is no היקש according to this reasoning. However, the source of "זה קלי ואנוהו" which רש"י brings shows that the לולב also has a connection to הדר. This indicates that the היקש should in fact be made.

When רש"י says that we learn from קלי ואנוהו, it is not because this is the source for the rule, but rather because this reveals that the היקש should be made.

Approach Two

The תידושי המאירי (ד"ה "ואחר שביארנו") brings a different approach to defend רש"י from the questions of תוס'. (This approach is also brought in בית הבחירה of the מאירי and the [כפות תמרים] ד"ה "ומה שכתבו התוס'").

– לא כל המדות שוות בפסול שאינו הדר – The מאירי explains: ומתוך כך – there are different levels of הידור in the מינים (which are learned from וזה קלי ואנוהו). Some of them are only required לכתחילה, while others even invalidate an item בדיעבד.

He says that there are some פסולים which are central to the item which cause it to be invalid even בדיעבד. He explains that a לולב היבש is invalid because כלה כל ליחלוחו – since all of its moisture is gone, וניטלה הדראתו כאדם שניטל חיותו – all of its beauty is gone, like a person without life. He says the תלמוד ירושלמי cites the verse, "לא המתים יהללו קה" – dead people do not praise ה'. Similarly, a לולב היבש cannot be used to praise ה'.

– לא ניטל הדרו לגמרי – However, for example, if the מינים are not tied, אבל לא אנדו – their beauty is not completely gone, and therefore they can be used בדיעבד. Even though ideally the מינים should be bound together, this is not an integral part of the מינים ארבעה מינים. Therefore if they were not tied, this does not cause them to be פסול.

This approach answers the second question of תוס' when he asked how can רש"י hold that a לולב היבש is invalid even בדיעבד due the verse וזה קלי ואנוהו, since the גמרא says it is only a requirement. According to the מאירי, there are different levels of הידור learned from this פסוק, some which apply even בדיעבד, and some which only apply לכתחילה.

– ואף על פי – The מאירי continues and addresses the first question, how רש"י can suggest a different verse than that brought in the גמרא.

He cites the מחלוקת in the גמרא on לא whether we make a היקש in the verse "ולקחתם לכם..." to apply the requirement of הידור from the אתרוג to the לולב. The גמרא there learns that the requirement for an אתרוג to be הדר is learned from the words "אץ פרי הדר". However, אותה – סוגיא כבר בטל כוחה – the גמרא goes away from this דרשה of the word "הדר" and gives a different explanation, that the אתרוג is דר – it lives – on the tree from year to year.

The מאירי learns that when the גמרא goes away from this understanding of the פסוק according to רבי יהודה, it learns that the רבנן also go away from the original דרשה that the verse is teaching the requirement of הידור. (Other מפרשים, including תוס', disagree with this understanding.)

According to this, a different פסוק is needed to learn the requirement of הידור in the מינים, which רש"י brings, the verse "זה קלי ואנוהו".

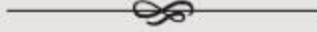
Rabbi Yosef Shalom Elyashiv in ("מתני והיבש..." ד"ה) סוכה במס' הערות במס' סוכה says a similar idea, based on the חתם סופר.

The גמרא in מס' גיטין דף כ. discusses the case of a scribe who writes a Name of Hashem in a תורה scroll without proper intention. The גמרא brings a מחלוקת תנאים whether the writing can be remedied. רבי יהודה holds that the scribe can write over the Name with the proper intent, while the חכמים say that this is not מן המובחר – the ideal way.

The אמוראים argue over the reason of the חכמים. According to one explanation, writing over the letters is a lack of הידור, which is learned from the verse "זה קלי ואנוהו".

Rav Elyashiv says (like the first statement of the מאירי) that we see from here that a lack of הידור stemming from "זה קלי ואנוהו" can invalid an item even בדיעבד. This would be a source for the approach (expressed by the מאירי and others) that there are different levels of הידור mandated by "זה קלי ואנוהו", some which are only required לכתחילה and some which are required even בדיעבד.

SECTION TWO



When is a לולב Considered Dried Out?

מס' סוכה דף כט:

OVERVIEW

The משנה says that a לולב היבש is invalid, but it does not give more details. What is the measure of this dryness? How dry does the לולב need to be to be פסול?

מראה מקומות

- משנה כט:
- תוס' (ד"ה "לולב היבש" מ- "והאי יבש דהכא")
- רא"ש (סימן א' מ- "והיבש פסול")
- שלחן ערוך ורמ"א (תרמה:ה)

SECTION TWO



POINTS TO CONSIDER

Point One – How do we measure the dryness of a לולב?

The משנה teaches that a לולב הביש is invalid, but it does not inform us how this is determined. Is it based on the amount of time that has passed since the לולב was picked, or by external signs of dryness? Is the dryness of each item of the ארבעה מינים measured in the same way, or are there different criteria?

תוס' (ד"ה "לולב היבש") mentions other places in which גמרא gives measurements of dryness for various items. To which item can the לולב be compared, and why?

See the רמ"ש (פרק ג' סימן א') who challenges the explanation of תוס' and suggests two other methods of measuring dryness.

The רמ"א (תרמה:ה) rule on how the dryness of the לולב is measured.

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Summary of the משנה

The משנה teaches פסול לולב היבש פסול – a dried out לולב is invalid.

The משנה states this rule without defining how to measure it. Several questions need to be answered to understand this פסול, including:

QUESTION ONE: How is the term היבש defined here? Is it based on a length of time from when the לולב was picked from the tree, or on a certain amount of dryness or some other criteria?

QUESTION TWO: Is the dryness of each מין measured in the same way, or does the standard vary?

QUESTION THREE: Is the יבשות of a לולב measured in terms of the entire לולב or is it based on its dryness in a particular area?

תוס' (ד"ה "לולב היבש") attempts to learn the particulars of this rule from other places in which the גמרא defines the term dryness.

He says, והאי יבש דהכא אין לפרש – the term "dry" here in the משנה is not measured by *time*, as the גמרא in עבודה זרה מס' עבודה זרה says regarding הרצנים (the crushed seeds of grapes) belonging to non-Jews. The גמרא there says that after sitting for 12 months, the seeds are considered to be dried-out and no longer pose a problem of being יין נסך.

He says that we do not measure the dryness of a לולב based on time, because this is not the standard used regarding the dryness of the הדסים. The גמרא says that if the majority of the leaves fall off from a הדס, but ונשתייר שם בדי עליהם לחים – three moist stems still remain, it is still considered valid. If not, it is פסול.

אלמא – He says that we see from here that dryness of the מינים ארבעה is not based on a length of time, but on an amount of dryness of the object.

If so, what is the measure of dryness in a לולב?

אלא יש לומר יבשות דהכא – Rather he says that the dryness of a לולב is measured like that of the **אוזן בכור**. The ear of a first-born animal is considered sufficiently dried to be a **מום** (disqualifying imperfection) when it is **נפרכת בצפורן** – when the ear crumbles when rubbed by a fingernail.

He applies the same measure here. If a לולב is rubbed and it crumbles, it is considered dried out and it is no longer **כשר**.

The **ראשונים** brings the opinions of several **רא"ש** (פרק ג' סימן א')

First he quotes **תוס'** who holds that a לולב is considered **יבש** when it crumbles.

Second, he brings the **ר"ז הלוי** (the **בעל המאור**) who argues and holds that crumbling is only a measure of **יבשות** in food such as **ירקות**. He holds that such a measure cannot be used as an indication of the level of dryness in a לולב.

Therefore he brings a different measure. He says that a לולב is considered dried-out **משיצו מכלל כמושים ועבר הלחלוהית** – when it is more dried than merely being wilted. At this point there is no longer any moisture inside it. (This is a more stringent opinion than that of **תוס'**.)

Third, the **רא"ש** brings the **ראב"ד** who says that the measure of **יבשות** is based on the **מין**.

The **ראב"ד** says that it is a known fact that **לולבים** normally do not crumble and break, even several years after they were picked. Therefore, a different measure of dryness is needed.

Rather, he says we measure by the **מראה שלהם** – their appearance. As long as a לולב still has a greenish appearance, it is a sign that it still has moisture in it, and therefore it is usable. However if **ילבינו פניו** – its face becomes whitish – it has lost all its moisture and it is no longer usable. The **ראב"ד** brings a support from the **תלמוד ירושלמי** which compares a white לולב to a **מת** and cites the verse **"לא המתים יהללו קה"**.

The **ראב"ד** brings a further support for his contention that we view the dryness of the **מינים** based on whether they appear white or green. He says that often, the **הדסים** appear green, but they are so dry that they will crumble when handled. If they are placed in water, they will rejuvenate to a healthy state.

However if they have already turned white, placing them in water will have no effect. This is a proof that the appearance of the items is the criteria which establishes whether they are **יבש**.

In סימן ב' the **רא"ש** discusses in which portion of the לולב its dryness is measured:

According to the **ראב"ד** this is based on the **שדרה** *and the תיומת* (spine and middle leaves). If they are no longer green, the לולב is considered יבש.

According to the **רא"ש**, when the *majority of its leaves* appear dried out, it is יבש.

הלכה

The **מהבר** (תרמה:ה) rules that if a majority of the leaves of a לולב have turned white, it is פסול. This is like the **רא"ש** and the **טור**.

The **משנה ברורה** (כב) brings the **ראב"ד** who holds that if the **תיומה** (one of the middle leaves) dries up, the לולב is considered יבש.

The **רמ"א** brings a **יש אומרים** opinion (that of **תוס'**) that a לולב is still כשר until it is dry enough that it will crumble if it is scratched. (This opinion is more lenient than that of the **מהבר**.)

SECTION THREE



**When do the פסולים in the משנה Apply?
(To all the days of סוכות, or only on the first?)**

מס' סוכה דף כט:

OVERVIEW

The גמרא says that the list of פסולים in the משנה apply to both יום טוב and יום טוב שני ראשון. What is the meaning of the latter term, and what is the status of the מינים on that day?

Is there a deeper reason to beautify the מינים ארבעה?

מראה מקומות

- מ- כט: משנה וגמרא עד ל. "בעבירה"
- רמב"ם (הלכות לולב ח:ט)
- כסף משנה ומגיד משנה (שם)

SECTION THREE



POINTS TO CONSIDER

Point One – Do the הלכות of the מינים ארבעה apply equally to all of the days of סוכות?

The גמרא states קא פסיק ותני – the rules taught in the beginning of the משנה apply equally on both יום טוב ראשון and יום טוב שני.

What is the meaning of the term יום טוב שני? Does it refer to the second day of יום טוב outside ארץ ישראל, or to the other days of סוכות?

Can a לולב which is invalid on the first day be used on this day?

The רמב"ם in (הלכות לולב ח:ט) משנה תורה rules on whether items which are invalid on יום טוב ראשון are invalid on יום טוב שני as well.

See the כסף משנה and the מגיד משנה who analyze the words of the רמב"ם and how they fit with those of the גמרא. They suggest different sources for his position.

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DERECH B'YAM
HATALMUD
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Summary of the גמרא and משנה

The גמרא on כט. begins and states קא פסיק ותני – the rule taught in the beginning of the משנה (that a stolen or dried לולב is invalid) applies equally on both יום טוב ראשון and יום טוב שני.

רש"י (ד"ה "לא שנה בי"ט ראשון") – says that there is a תורה obligation to take the סוכות on the first day of ארבעה מינים.

רש"י (ד"ה "לא שנה בי"ט שני") – says that the obligation on the second day(s) of סוכות is from the רבנן.

גמרא – The גמרא says that it is understandable that a dried-out לולב is invalid (all seven days) because הדר בעינן – the לולב must be beautiful and a dried one is not.

אלא גזול בשלמא יום טוב ראשון – It is understandable that a stolen לולב is invalid on the first day of סוכות because the תורה teaches "ולקחתם לכם ביום ראשון". The word "לכם" teaches that the four species must be משלכם – from you (owned by you). However, this requirement only applies on the first day.

ביום טוב שני אמאי לא – On (the other days of סוכות) why is a stolen לולב not valid?

רבי יוחנן answers in the name of רבן שמעון בר יוחי because it would be a מצוה הבאה בעבירה – a mitzvah done through a sin.

QUESTION: What is the definition of the term יום טוב שני as used by the גמרא?

The רמב"ם in (הלכות לולב ח:ט) says that any of the ארבעה מינים which has a disqualifying מום or which was stolen is invalid on יום טוב ראשון alone. However on יום טוב שני and on שאר ימים – the other days – it is valid.

The **מגיד משנה** says that according to the רמב"ם, the phrase "יום טוב שני" refers to יום טוב – the second day of the holiday outside Israel. He holds that מינים which are invalid on the first day of סוכות, but which are valid on the other days of סוכות, are also valid on יום טוב שני של גליות.

(Many other ראשונים, including the מאירי, the רא"ש and the ריטב"א, hold differently, that items which are invalid on יום טוב ראשון are also invalid on יום טוב שני של גליות.)

QUESTION: How can the רמב"ם hold that the הלכות of the ארבעה מינים differ between the first day of סוכות and the other days? The גמרא on כט: clearly says that the פסולים in the משנה apply to both יום טוב ראשון and יום טוב שני!

The commentators on the רמב"ם disagree on the source of his opinion.

The **כסף משנה** asks: since the גמרא says קא פסיק ותני – that the פסולים in the משנה apply equally on יום טוב ראשון and on יום טוב שני – how can the רמב"ם say that יום טוב שני is like the other days of סוכות and not like יום טוב ראשון?

He answers: the גמרא on דף ל. quotes ר' יצחק בא נהמני in the name of שמואל who says that on יום טוב ראשון, a person can only use מינים which belong to him, not ones which are borrowed or stolen. However on יום טוב שני, since a person can use a borrowed, לולב, he can also use a stolen one.

We see from here that there is an opinion which differentiates between יום טוב ראשון and יום טוב שני. This can be the source for the רמב"ם.

The **מגיד משנה** suggests a different source. He cites the גמרא on לו: which says that ר' חנינא dipped his אתרוג (into a dip or sauce), took a bite, ונפיק בה – and then used it for his מצוה of the מינים. His actions are difficult to understand, since the משנה on לד: teaches that פסול – if a אתרוג is missing even a small amount – it is פסול.

He answers: the משנה is addressing the rule on יום טוב ראשון, while the episode of ר' חנינא took place on יום טוב שני. According to this, the הלכות of the ארבעה מינים apply differently on the two days and this applies to other דינים as well.

QUESTION: What is the status of יום טוב שני של גליות? Is it comparable to יום טוב ראשון or to חול המועד?

The **יום טוב שני של גליות** also cites a מחלוקת ראשונים regarding the status of **יום טוב שני של גליות**.

ויש פוסקים – He says that some of the commentators hold that this day has the same status as **יום טוב ראשון**. The reason for this is: **שאם לא כן יהיו מזלזלין בו** – if this was not the case, people would disrespect **יום טוב שני של גליות**. Therefore these מפרשים hold that **לולב הגזול** and **והיבש** are invalid on this day.

וי"א – He says that other מפרשים hold that **יום טוב שני של גליות** has the status of **חול המועד**. He explains: **דכיון דידעינן בקביע דירחא** – since the Rabbis established the calendar, **ויום ראשון הוא יו"ט בודאי** – and the first day is definitely **יום טוב**, then we have no uncertainty about the status of the second day, and do not need to be stringent regarding the **ארבעה מינים**.

He says that according to this opinion, we can be lenient on this day and if necessary, even take a **לולב** which has an invalidation. He says that the Rabbis were concerned on the second day, **אם לא מצא בלא מום** – that if a person was only able to find **מינים** which had imperfections, **ישב ולא יטול** – he would not take the **ארבעה מינים** at all. **ונמצא חומרו קולו** – And consequently, it would emerge that this stringency (of not using an item with a **מום**, even though this would otherwise be permitted under the circumstances) could lead to an unjustified leniency (because it could cause people to not fulfil the מצוה of the **מינים ארבעה** in such circumstances).

The deeper significance of beautifying the ארבעה מינים

The **מסילת ישרים** (פרק יח "בבאור מדת החסידות") says that a person who truly loves ה' will not be content to merely fulfill the minimal obligation of מצוות which are known to the masses. Rather he will exert himself to beyond this level.

He compares this to a child whose father gave him a hint of his desires. If the child loves his father greatly, he will do all that he can to fulfill them to their fullest, to bring pleasure to his father. The מצוות are the desires of ה', so it is our job to go beyond the minimal obligation and try to find the optimal way to perform them.

The **פלא יועץ** (ד"ה "הידור") specifically writes that beautifying a מצוה is a sign of the person's love for ה'. He explains that if a person serves ה' purely out of fear, he will suffice with just being **יוצא** – fulfilling the minimal level of observance. However if he serves out of love, he will be careful with every detail of the מצוות and will beautify them.

“Fortunate is the man who loves his Creator and honors ה' with his wealth, and increases his expenditures on the מצוות to beautify them. He will receive blessing from ה' the G-d of Legions.”

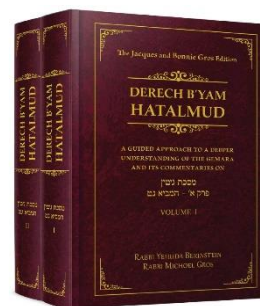
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