

III

BAVLI SUKKAH CHAPTER THREE

FOLIOS 29B-42B

3:1

- A. A stolen or dried up palm branch is invalid.
 - B. And one deriving from an asherah or an apostate town is invalid.
 - C. [If] its tip was broken off, or [if] its leaves were split, it is invalid.
 - D. [If] its leaves were spread apart, it is valid.
 - E. R. Judah says, “Let him tie it up at the end.”
 - F. Thorn-palms of the Iron Mountain are valid.
 - G. A palm branch which is [only] three handbreadths long,
 - H. sufficient to shake,
 - I. is valid.
- I.1** A. *[The authority at hand] declares with remarkable certainty that there is no difference between the first day of the Festival and the second day of the Festival [in declaring that a dried up palm branch is invalid]. [The obligation on the first day derives from Scripture, on the second, only from the authority of rabbis.]*
- B. *Now that poses no problems with respect to a dried up palm branch, because we require one that is “goodly” (Lev. 23:40), and that trait is absent here.*
 - C. *But as regards a stolen one, to be sure, with respect to the first day of the Festival, concerning which it is written, “...for you...” (Lev. 23:40), which implies that it must belong to you. [Obviously, the palm-branch must belong to the one who makes use of it, for the stated reason. There is ample authority for rejecting it.]*
 - D. *But with regard to the second day of the Festival [to which the verse of Scripture does not make reference,] why [should a stolen palm branch be unacceptable]?*
 - E. *Said R. Yohanan in the name of R. Simeon b. Yohai, [30A] “It is because what you have in hand is the commission of a religious duty accomplished through the commission of a transgression, [namely, the stealing of the palm-branch].*
 - F. *“For it is written, ‘And you have brought that which is stolen, the lame and the sick’ (Mal. 1:13).*

- G. *“The one that is stolen is compared to the one that is lame. Just as the one that is lame cannot be healed, so the one that is stolen cannot be healed. [What is stolen may not be used.]”*
- H. *“And do we make no distinction between the situation prevailing before the owner has despaired of recovering the stolen possession [at which point the title to the property still belongs to the owner] and that prevailing after the owner has despaired of recovery [at which point the title to the property passes over to the thief]? [Surely there should be a difference.]”*
- I. *“Now as to the situation prevailing before the owner has despaired of recovering the animal, there is no problem, for it is written, ‘When any one brings an offering of what is yours to the Lord’ (Lev. 1: 2) and this beast does not belong to him [who brings it].”*
- J. *“But after the owners have despaired of recovering the property, lo, the thief has acquired possession of the beast through the owner’s despair. [Analogously in the case at hand, the thief acquires possession of the branch, and therefore can use it for the performance of the religious duty.]”*
- K. *“Therefore is it not on the count that we deal with a commission of a religious duty carried out through commission of a transgression? [That then is the reason behind the rejection of the stolen palm branch.]”*
- L. And R. Yohanan said in the name of R. Simeon b. Yohai, “What is the meaning of the following verse of Scripture: ‘For I the Lord love justice, I hate robbery with iniquity’ (Isa. 61: 8)?
- M. “The matter may be compared to the case of a mortal king who was passing the custom house. He said to his staff, ‘Pay the custom-fee to the revenueurs.’
- N. “They said to him, “But do not all the proceeds of the customs go to you?”
- O. “He said to them, ‘Let everyone who goes by learn from my example and not try to cheat the customs.’
- P. “So the Holy One, blessed be he, said, ‘For I the Lord... hate robbery in burnt-offerings’ [The word for iniquity and that for burnt-offerings appears in the same consonants.]
- Q. ““Let my children learn from me and avoid robbers.””
- R. *[Concerning the question at C, on which the preceding, D-K, has focused,] it has also been stated on Amoraic authority:*
- S. Said R. Ammi, “A dried up one is invalid, because it does not fall into the category of ‘goodly’ (Lev. 23:40).
- T. “A stolen one is invalid because it involves the commission of a religious duty accomplished through the commission of a transgression.”
- I.2.** A. *[Now the basic thesis on this matter, rejecting the stolen palm-branch on the second day of the Festival], stands at variance with that which R. Isaac said. For R. Isaac bar Nahmani said Samuel [said], “The rule at hand [M. 3:1A] applies only to the first day of the Festival. But on the second day of the Festival, since one may carry out his obligation with a palm-branch that is borrowed, he also may carry out his obligation with one that is stolen.”*
- B. *To this view R. Nahman bar Isaac objected, “A stolen or dried up palm-branch is invalid [M. 3:1A], implying that a borrowed one is valid. Now at what point*

would that validity apply? If I say that a borrowed one is valid on the first day of the Festival, lo, ‘...for yourselves...’ is written, meaning, ‘one belonging to you yourself,’ and this one [that is borrowed] is not the property of the person [who has borrowed it]. Consequently reference must be to the second day of the Festival. Now, it is also specified that a stolen one is invalid. [Is it really possible that a stolen branch be forbidden on the second day?]]”

- C. No, [at issue is] practice on the first day of the Festival. The Mishnah passage [cited at B] deals only with the less probable of the two matters, as follows:
- D. It is no issue that one may not make use of a borrowed palm-branch, which does not belong to the person who uses it at all. [Obviously, such a palm-branch would be invalid. Therefore, the Mishnah did not state this explicitly.] But as to a stolen one, I might have said that, under ordinary circumstances of thievery, we have a case in which the owner has despaired or recovering his property, [so that we now impute ownership to the thief]. In such a case the palm-branch might be held to fall into the category of the property of the thief himself. Therefore we are informed [by the Mishnah] that that is not the case.

I.3. A. Said R. Huna to the traders, ‘When you buy myrtles from idolators [for use in binding with the palm branch], do not cut them yourself, but let them do the cutting for you and let them then give the myrtle to you.’

- B. “What is the reason for this ruling? Under ordinary circumstances idolators are land-grabbers, [30B] and land may not be acquired [in permanent title] through thievery [since the owner will never despair of recovering his property].
- C. “Therefore let the idolators do the cutting, so that what is in their possession [that is, the cut myrtles] may be subject to the imputed despair of the owner [who will give up hope of compensation for the crop, but not the land], with a change of right of possession in your hands.”

[Slotki, p. 134, n. 16: He is of the opinion that abandonment of right by the owner is not sufficient to constitute acquirement of title by the possessor unless there was in addition either (a) a change of domain, (b) a change in the nature of the object, or (c) a change in its name. But even if abandonment alone were sufficient, the robbery, if the traders themselves had cut the myrtles, would have been committed by them, and they would have been guilty of performing a precept by means of a transgression.]

- D. But, even if the [Israelite] traders themselves cut the myrtles, why not impute the point at which the owner despairs of getting his property back, at which the point of transfer takes place, to the time at which the myrtles are in the hands of the Israelite traders, and let the transfer of domain take place when the myrtles are in the hands of the purchasers themselves?

[Slotki, p. 135, n. 1: Since the purchasers commit no robbery, they might well use the myrtles.] [Why tell the traders to make the idolators do the cutting, when this has no affect up on the purchasers’ status vis a vis the myrtles in any event?]

- E. The issue pertains to the myrtle that is for the use of the traders themselves. [If they were to cut the myrtles for themselves, there would be no change in domain, and the ones who used the myrtles — the same as those who cut them — would be guilty of robbery.]

- F. *Now why not regard the right of possession of the myrtles as having been transferred by the change in the character of the myrtles effected through binding the myrtles, willows, and palm-branch together? [This would constitute a point at which the myrtles would enter a different domain, so meeting the objection posed just now.]*
- G. *[That change in the character of the myrtles would, in fact, be null, for] the framer of the rule at hand [Huna takes the position that, in preparing the lulab of the several species] for use on Sukkot it is not necessary to bind the species together.*
- H. *If you prefer, I may offer as the following reason not the fact the the lulab does not require binding,] for it does have to be bound. Rather, the consideration is that this is a change that can be obviated by restoring the object to its former condition, and that is not regarded as a substantive change at all.*
- I. *Then let the change be so consequential as to allow us to impute ownership [to the one who now uses the myrtles] namely, through changing the name of the myrtle itself. For, to begin with, it was called myrtle, and now it is called [31A] “Hoshannah” [“Save, us” in the Psalm chanted with the myrtle, “Save, we beseech you”].*
- J. *[That reason cannot apply], for a myrtle may be called “Hoshannah” in any event, [so there is no real change in the name].*

I.4. A. *Our rabbis have taught on Tannaite authority:*

- B. A sukkah that has been stolen, and [a sukkah which one has made] by spreading sukkah-roofing in public domain —
- C. R. Eliezer declares it invalid.
- D. And sages declare it valid.
- E. Said R. Nahman, “The dispute concerns a case in which one has forcibly ejected his fellow from his sukkah, and R. Eliezer is consistent with his position elsewhere.
- F. “For he has said, ‘A person may not carry out his obligation to dwell in a sukkah by using a sukkah that belongs to his fellow.’
- G. “If the real estate upon which the sukkah is stolen, then the sukkah is also considered stolen. [This sukkah since it was built on public property falls into the category of a stolen one.]
- H. “One may also propose that in this case the real estate is not stolen but merely borrowed, then the sukkah falls into the category of a borrowed one.
- I. “[Therefore] Rabbis too are consistent with their view, for they hold the position that a person may carry out his religious obligation of dwelling in a sukkah by making use of a sukkah belonging to his fellow.
- J. “Further, land may not fall into the category of thievery, and the sukkah at hand is in the category of a borrowed one. [On that account, rabbis validate use of the sukkah that has been stolen].”
- K. If, however, one has stolen wood and spread sukkah-roofing on it, all parties concur that the owner of the wood has a claim only for the value of the wood. [The thief acquires the wood, and what he does with it is not pertinent to the owner, who is simply compensated.]

- L. *How does [one know this to be the case]? Since it is stated explicitly that we may draw an analogy to the case of public domain, we reason as follows:*
- M. *“Just as in the public domain property that does not belong to the person who has used it, so a sukkah does not fall into the category of the property of the person who has used it. [In the case of stolen wood, the thief changes the use and name of the wood, and the sukkah he has built is not stolen nor borrowed and so is valid, even in Eliezer’s view. As to the sukkah in public domain, just as we deal with a sukkah built on land that is not the property of the one who has made it, so in the case of a stolen sukkah, it must be one from which the owner has been thrown out by force.]*

- I.5.** A. *An old lady came before R. Nahman [a member of the exilarch’s staff]. She said to him, “The exilarch and all the rabbis on the exilarch’s staff are sitting in a stolen sukkah [since they stole the wood from me].”*
- B. *While she cried out, [R. Nahman paid no attention to her. She said to him, “Does a woman whose father had three hundred eighteen slaves [namely, Abraham] cry out before you, and you pay no mind to her?”*
- C. *R. Nahman said to [the others], “She is a pain, but she has a claim only on the cost of the wood alone.”*

- I.6.** A. *Said Rabina, “As to a sukkah’s main beam which was stolen, [and the removal of which would ruin the sukkah], rabbis have provided a remedy for the problem [which is to pay the owner the cost of the wood.]*
- B. *“This remedy is comparable to the remedy provided in the case of a stolen main beam [used in a house].”*
- C. *That fact is obvious! What difference can there be among various kinds of beams [used in different sorts of dwellings, that we have to be told that the remedy applicable to a stolen main beam of a house applies also to a main beam of a sukkah that is made of stolen wood]?*
- D. *What might you have said? The remedy pertained to wood, which is readily available, [so the original owner can use the money paid in compensation to buy more wood for his needs]. But in the case of this sort of main beam, which is not readily available, I might have said that the remedy does not apply.*
- E. *So we are informed that that is not the case. [We allow the thief to pay compensation for the wood, even when it is not easy to get more wood of the same quality].*
- F. *The ruling at hand applies during the seven days of the Festival, but after the seven days of the Festival, the wood must be restored to its original condition.*
- G. *And if the thief joined the beam with mortar, even after the seven days of the Festival, the thief may pay merely compensation for the wood [and may leave his sukkah standing].*

- I.7.** A. *A Tannaite statement:*
- B. *A dried up [palm-branch] is invalid.*
- C. *R. Judah declares it valid.*

- D. *Said Raba, "The dispute pertains only to the palm-branch, for rabbis take the view that we draw an analogy between the palm-branch and the citron. Just as the citron must be 'goodly' (Lev. 23:40), so the palm-branch must be 'goodly.'*
- E. *"And R. Judah takes the view that we do not draw an analogy between the palm-branch and the citron, [which is why he thinks a dried palm branch is valid].*
- F. *"But in the case of the citron, all parties concur that we require that it exhibit the trait of being 'goodly.'"*
- We proceed to a protracted study of Judah's principles in the matter at hand. All of this is secondary to what has proceeded, and it provides a fine example of how the dialectical argument leads us to examine a broad range of possibilities.
- G. *Is it then the case that, for the palm-branch, R. Judah does not insist that it be "goodly"?*
- H. *And have we not learned in the Mishnah:*
- I. **R. Judah says, "Let him tie it up at the end" [M. 3:1E].**
- J. *What is the operative consideration? Is it not because he requires that the palm-branch be "goodly"?*
- K. *No, it is in accord with the reason that has been taught on Tannaite authority:*
- L. *R. Judah says in the name of R. Tarfon, "[The phrase], 'Branches of palm-trees' (Lev. 23:40) indicates that the branches must be bound up. If they were separated, one has to bind them up."*
- M. *Is it the case, then, that R. Judah does not require [that the lulab] to be "goodly"?*
- N. *And have we not learned in the Mishnah:*
- O. **"They bind up the lulab [palm-branch, willow-branch, and myrtle branch] only with strands of its own species," the words of R. Judah [M. 3:8A].**
- P. *What is the operative consideration: Is it not because he requires that the lulab [of the several species] be "goodly"?*
- Q. *No, for lo, Raba has said, "One may do so even with base, even with the root of a palm tree [which clearly do not enhance the palm branch]."*
- R. *What then can be the reason for R. Judah's view?*
- S. *In that case he takes the view that the lulab must be bound up [as one], for if one brings another species [of vegetation, in addition to the species that are bound together in the lulab], he will have five species [and not the requisite number, which is four, listed at Lev. 23:40. One cannot add to what Scripture requires.]*
- T. *Now [moving on from the lulab,] does R. Judah require that the citron fall into the category of what is "goodly"?*
- U. *And has it not been taught on Tannaite authority:*
- V. **As to the four species of the lulab, just as they do not reduce their number [to less than four], so they do not add to their number [bringing more than four].**
- W. **[If] one does not have a citron, he should not use a pomegranate, a quince, or any other sort of fruit.**
- X. **[If the four species] were wrinkled, they are valid. [If] they were dried up, they are invalid.**

- Y. **R. Judah says, “If [the four species] were dried up, they are valid.”**
- Z. Said R. Judah, “M’S H B: **[31B]** The townsfolk of the villages would leave the lulabs to their children in time of need.”
- AA. **They said to him, “A time of need does not yield proof.” [T. Suk. 2:9]**
- BB. *Now the cited story indicates, then, that R. Judah says, “Also if the four species were dried up, they are valid.”*
- CC. *Does this not refer to the citron [and indicate that he does not require that the citron fall into the category of “goodly”?*
- DD. *No, he refers to the lulab.*
- EE. [Reviewing the cited passage as to secondary elements:] The foregoing master has stated: **Just as they do not reduce their number, so they do not add to their number**
- FF. *That is self-evident.*
- GG. *[No it is not self evident] for you might have reasoned [as follows]: Since R. Judah has said, “A lulab has to be bound together, “and if one brings binding of another species, [one might have claimed that] that binding will be deemed separate, and the species of the lulab will be deemed separate. Thus we are informed that that is not the case. [The binding must be of one of the species already in use in the lulab].*
- HH. The master has said, **If one does not have a citron, he should not use a pomegranate, quince, or any other sort of fruit.**
- II. *That is self-evident.*
- JJ. *[No it is not self evident.] For you might have reasoned [as follows:] Let him bring [some other sort of similar fruit] so that the basic rule governing the citron will not be forgotten.*
- KK. *So we are informed that that is not the case, for on some occasions confusion might result, since people might be confused [as to which is the valid species].*
- We now revert to our earlier inquiry.
- LL. *Come and take note:*
- MM. An old citron is invalid.
- NN. And R. Judah declares it valid.
- OO. *Is this not a refutation of the view of Raba?*
- PP. *It is a refutation indeed.*
- QQ. But does not R. Judah require that [the citron] fall into the category of “goodly”?
- RR. *Have we not learned in the Mishnah:*
- SS. **And as to a citron which is as green as a leek —**
- TT. **R. Meir declares it valid.**
- UU. **And R. Judah declares it invalid [M. 3:61-K].**
- VV. *Is R. Judah’s reason not that he requires the citron to fall into the category of what is “goodly”?*
- WW. *No, it is because the fruit is not yet ripe.*
- XX. *Come and take note:*

YY. As to a small citron.

ZZ. R. Meir says, “[It must be at least] the size of a nut.”

AAA. R. Judah says, “[At least] The size of an egg” [M. 3:7A-C].

BBB. *Is R. Judah’s reason not that he requires the citron to fall into the category of what is “goodly”?*

CCC. *No, not at all. The reason is that [if it is smaller than an egg] the fruit is not yet ripe.*

DDD. *Come and take note:*

EEE. And as to the largest acceptable size of a citron:

FFF. “It must be of such size that one can hold two in one hand,” the words of R. Judah.

GGG. R. Yosé says, “Even one in two hands: [M. 3:7D-F].

HHH. *Is R. Judah’s reason not that he requires the citron to fall into the category of what is “goodly”?*

III. *No, it is in line with what Rabbah said, “The lulab is to be in the right hand and the citron in the left hand.” Now on some occasions one may switch them, and one of them [the citron] might fall and become invalid. [Slotki, p. 149, n. 7:7 If the citron is too large for him to grasp in his hand together with his lulab, as he is changing over, he will drop it. Hence the ruling that one should be able to hold two in one hand, one of these two representing the space the lulab would occupy during the change.]*

JJJ. *But, in the view of R. Judah, does Scripture not state, “Goodly” (Lev. 23:40)?*

KKK. *[Judah interprets this to mean] that [the appropriate fruit, namely the citron], is one that remains on the tree [on which it grows] from one year to the next.” [This represents a play on the word HDR, which may be read “goodly” or “that which remains” or “dwells.”]*

II.1 A. And one deriving from an asherah or an apostate town [M. 3:1B]:

B. *Is one deriving from an asherah invalid? But has Raba not said, “A lulab that has served for the purposes of idolatry one should not take, but if he has taken such a one, it is valid.”*

C. *Here we deal with an asherah from the time of Moses, which is regarded as crushed to less than the minimal size for a lulab. [Since the asherah will be burned, it is regarded as if it has already been burned.]*

D. *Take note of the language at hand, since we compare the lulab of the asherah to one deriving from a condemned apostate city. [In this latter case, we treat what is going to be burned as if it already had been burned.]*

E. *That indeed proves the case.*

III.1. A. If its tip was broken off [M. 3:1C]:

B. *Said R. Huna, “The law is taught only in the case of one that is broken off. But if it is merely split, it is valid.”*

C. *But is what is merely split valid? And has it not been taught on Tannaite authority:*

D. *A palm-branch that is bent over [32A], thorny, split, or curved like a sickle, is unfit. If a palm-branch has hardened, it is invalid. If it appears to have hardened*

[but has not actually done so], it is valid [So we see an explicit statement that a split palm-branch is invalid.]

- E. *Said R. Pappa, "[Where it is invalid,] it is a case in which the palm-branch is like a prong [naturally split to a considerable extent]."*
- F. As to the statement that [it is invalid if it is] curved like a sickle, said Raba, "That statement applies only where it is bent forward, but if it is bent backward, that accords with its nature. [It would then be valid.]"
- G. R. Nahman said, "If it curves to the sides, it is in the category of curving forward."
- H. *And some say that it is in the category of curving backward.*
- I. *And Raba said, "A palm-branch, of which all of the foliage grows on one side, is blemished and invalid."*

IV.1 A. If its leaves were split [M. 3:1C]:

- B. *Said R. Pappa, "'Split' means that the palm-branch leaves are shaped like a broom. 'Separated' means that they were parted from one another [Slotki, p. 140, n. 10: But joined to the rib at their roots]."*
- C. *R. Pappa raised the question, "What is the law if the central leaf [at the junction of two leaves] was split?"*
- D. *Come and take note: Said R. Joshua b. Levi, "If the central leaf was removed, the palm-branch is invalid."*
- E. *Now would not the same rule apply if the central leaf was split?*
- F. *No, the case of removing it differs, because the leaf then is completely lacking.*
- G. *There are those who said the same matter in the following version:*
- H. *Said R. Joshua b. Levi, "If the central leaf was split, it is treated as if the central leaf was removed, and it is invalid."*

IV.2. A. It has been taught on Tannaite authority:

- B. R. Judah says in the name of R. Tarfon, "The statement 'Branches of palm trees' (Lev. 23:40) indicates that the palm-branches must be bound. If, therefore, the leaves were separated, one has to bind them up."
- C. *Said Rabina to R. Ashi, "How do we know that the reference to 'branches of palm trees' refers in particular to the palm-branches' [green sprouts, in particular]? Perhaps the reference is to the branches of a hardened palm [Slotki, p. 141, n. 1: a palm which is some years old, whose branches have become hardened like other tree branches, and there must be one central branch and one protruding from each side]?"*
- D. *[That cannot be the case, for] we require a case of branches that can be bound up, and [that condition is] not [met by hardened ones].*
- E. *And might I say that it refers to the stalk itself [one without leaves]?*
- F. *Since the word speaks of "bound," it bears the implication that there is something separated [that must be bound], while this one is permanently joined.*
- G. *But might I say that it means [Slotki:] the inflorescence of palms [Slotki, p. 141, n. 6: a spike covered with flowers and enveloped by one or more spathes. Being only one or two years old, its leaves can still be bent and bound to the central parts.]*

- H. Said Abbayye, “‘Its ways are ways of pleasantness and all her paths are peace’ is what is written. (Pro. 3:17) [Slotki, p. 141, n. 7: It is unpleasant to hold this prickly spike and therefore the Torah could not have referred to it.]”
- I. *Said Raba Tosfaah to Rabina, “And might I suggest that the reference is to two palm-branches [and not one containing several sprigs]?”*
- J. “It is written, ‘Branch of’ [defectively, thus in the singular].”
- K. “Might I say then that it refers to only one?”
- L. “Then it would have been written, ‘A branch.’”

V.1 A. Thorn-palms of the Iron Mountain are valid [M. 3:1F]:

- B. Said Abbayye, “The rule has been stated that these are valid only in a case in which the head of the one reaches the side of the junction of the next, but if the head of the one does not reach the side of the junction of the next, it is invalid.”
- C. *It has been taught on Tannaite authority along these same lines:*
- D. Thorn-palms of the Iron Mountain are invalid.
- E. *Lo, we have learned in the Mishnah that they are valid!*
- F. *Does this [contradiction] not then bear the implication that the view of Abbayye is correct [since his view harmonizes both statements]?*
- G. *It does indeed bear that implication.*
- H. **[32B]** *There are those who present the matter as a contradiction in the following manner:*
- I. *We have learned in the Mishnah: **Thorn-palms of the Iron Mountain are valid [M. 3:1F].***
- J. *And has it not been taught on Tannaite authority: “They are invalid”?*
- K. *Said Abbayye, “There is no contradiction between the two versions. In the one case we deal with one in which the head of one reaches the side of the junction of the leaves of the other, and in the other case we deal with one in which the head of the one does not reach the side of the junction of the leaves of the other.”*
- L. Said R. Marion said R. Joshua b. Levi, and there are those who state that Rabba bar Mari repeated in the name of Rabban Yohanan ben Zakkai, “There are two palms in the valley of Hinnom, and a pillar of smoke ascends from between them, and this is the matter in connection with which we [have learned to] repeat: **Thorn-palms of the Iron Mountain are valid [M. 3:1F]**, and this is the very doorway to Gehenna.”

VI.1 A. A palm-branch which is only three handbreadths long [M. 3:1G]:

- B. R. Judah said Samuel said, “The requisite length of the myrtle and the willow is a minimum of three handbreadths, and of the palm-branch is four handbreadths, so that the palm-branch should be a handbreadth higher than the myrtle.”
- C. And R. Parnakh said R. Yohanan said, “The stem of the palm-branch [not merely the leaves] should be a handbreadth higher than the myrtle.”
- D. *Have we not learned in the Mishnah: **A palm-branch which is only three handbreadths long, sufficient to shake, is valid [M. 3:1G-I]**? [How insist then that it must be at least four handbreadths long, as both Samuel and Yohanan maintain?]*

- E. *I should repeat the matter with an and [thus: three handbreadths long and sufficient to shake, so referring to the part beyond the myrtle and willow, which is not bound and can be waved', and then each authority works matters out according to his view [Slotki, p. 142, n. 6: According to Samuel, a handbreadth including the leaves, according to R. Yohanan, one excluding the leaves].*
- F. *Come and take note: **The required measure of the length of a myrtle branch and a willow branch is three handbreadths, and of a palm branch, four [T. Suk. 2:8B].***
- G. *Would this not mean, including the leaves [as against Yohanan's view]?*
- H. *No, excluding the leaves.*

VI.2. A. *Returning to the body of the text just now cited [F]:*

- B. **The required measure of the length of a myrtle branch and a willow branch is three handbreadths, and of a palm-branch, four.**
- C. **R. Tarfon says, "This is measured by a cubit divided into five handbreadths" [T. Suk. 2:8B-C].**
- D. *Said Raba, "May R. Tarfon's master forgive him. A myrtle three handbreadths long we can scarcely find, so will there be a question of one five handbreadths long?"*
- E. *When R. Dimi came, he said, "[This is the sense of Tarfon's statement]. Take a cubit which has six handbreadths and make it into five. [So the handbreadth now is a fifth of a cubit]. Take off the three for the myrtle, so the remainder is for the palm branch. What is it then in normal handbreadths? Three and three fifths. [Slotki, p. 143, n. 4: Since the three handbreadths of the myrtle are equivalent to $3 \times 1 \frac{1}{5} = 3 \frac{3}{5}$ normal handbreadths.]"*
- F. *Now there is a contradiction between two statements made by Samuel.*
- G. *Here Rab Judah said Samuel said, "The requisite length of the myrtle and the willow is a minimum of three handbreadths, and of the palm branch is four handbreadths."*
- H. *Elsewhere R. Huna said Samuel said, "The law accords with the view of R. Tarfon." [Slotki, p. 143, n. 4: Tarfon prescribes $3 \frac{3}{5}$ normal handbreadths.]*
- I. *Samuel did not state matters precisely. [He said three handbreadths, but he meant $3 \frac{3}{5}$, as Tarfon requires.]*
- J. *Now I might well propose that we invoke the principle that someone is not precise, when imprecision results in a more strict ruling, but do we invoke that principle when it results in a lenient ruling? [Will Samuel accept a shorter than proper palm branch, that is, three rather than $3 \frac{3}{5}$ th?]*
- K. *When Rabin came, he said, "[Tarfon referred to] a cubit that has five handbreadths. Make a cubit of five into one of six handbreadths. Deduct three of these for the myrtle, and the remainder is for the palm branch. How much [in normal handbreadths] is it? Two and a half." [Slotki, p. 143, n. 10: The normal cubit of six handbreadths being divided into five, each handbreadth is $\frac{5}{6}$ th of a normal handbreadth. The three handbreadths of the myrtle, therefore, equal $(3 \times \frac{5}{6} = \frac{15}{6} = 2 \frac{1}{2})$ 2 $\frac{1}{2}$ normal handbreadths, leaving $2 \frac{1}{2}$ for the extending portion of the palm-branch.]*

- L. *Do not two statements of Samuel then contradict each other [since he demands three but also says the law follows Tarfon, who accepts a palm branch of only two and a half handbreadths]?*
- M. *He did not state matters precisely, and in this case, in not stating matters precisely, he imposed a more strict requirement.*
- N. For R. Huna said Samuel said, "The law accords with R. Tarfon."
- Unit II takes up M. 3:1A and is continued by unit II. Unit I:3 introduces a secondary issue, raised by the reference to thievery. At exactly what point does ownership of an object pass from the original owner to the thief? The theory is that this is effected by the owner's despair of recovering the object, joined to a change of domain, of the character of the object, or the name or category of the object. The inquiry here is subtle and sophisticated. The extensive dialectic inquiry on Judah's views yields no material advance in our understanding of the law.

3:2

- A. A stolen or dried up myrtle branch is invalid.**
- B. And one deriving from an asherah or an apostate town is invalid.**
- C. [If] its tip was broken off, [or if] its leaves were split,**
- D. or if its berries were more numerous than its leaves,**
- E. it is invalid.**
- F. But if one then removed some of them, it is valid.**
- G. But they do not remove [some of them] on the festival day.**

We now undertake a systematic proof that the various components of the lulab have been prescribed by Scripture, e.g., the myrtle. The focus of the Tannaite compositions before us finds its definition not in the Mishnah's interest but only in its themes.*

*A future point of analysis must be, distinguishing the Tannaite corpus and identifying the motives behind its exegetical and even topical program. My impression is that we can classify all Tannaite compositions and composites located in the Bavli (that is, all compositions and composites bearing the mark TNY and its counterparts) within a strikingly limited system of classification, e.g., Tannaite proof for Mishnah-propositions; Tannaite proof for other-than-Mishnah-propositions (likely to be a very tiny proportion of the whole); Tannaite record of wordings of propositions; and Tannaite records of lives and teachings of masters, that is, [1] exegetical support for the Mishnah's laws; [2] records of wordings of Mishnah-teachings; [3] stories about sages. That program then compares strikingly with that of the Talmud's own Mishnah-exegesis. Where the Talmud's agenda prove original and not in line with those of the Tannaite compositions and composites we come to the Talmud's own systematic statement. What that is is quite clear even now. But the comparison, within the Talmud, of TNY-compositions and composites with other than TNY-writings will greatly clarify matters. This is not a labor that at this time I find urgent, having other priorities; but it is one I suspect will yield results of considerable interest.

- I.1 A. Our rabbis have taught on Tannaite authority:**
- B. "Boughs of a thick tree" (Lev. 23:40) [refers to] a tree, the boughs of which cover the trunk. What would such a tree be?
- C. One must say, This refers to the myrtle.

- D. *Might I say it refers to an olive?*
- E. *We require thick [leaves, which form a wreath], and that trait is not present.*
- F. *And might I say it refers to a plane tree?*
- G. *We require that the branches cover the trunk, and that trait is not present.*
- H. *And might I say it refers to an oleander?*
- I. *Said Abbaye, “‘Its ways are ways of pleasantness’ (Pro. 3:17), a trait lacking [in the oleander].”*
- J. *Raba said, “Proof that it cannot be the oleander derives from here: ‘Therefore love truth and peace’ (Zec. 8:19). [Slotki, p. 144: There is in it neither peace, since it stings, nor love, since it is bitter and poisonous.]”*

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. *If the leaves are plaited so as to look like a chain, it is the myrtle.*
- C. *R. Eliezer b. Jacob says, “‘The boughs of a thick tree’ (Lev. 23:40) refers to a tree in which the flavor of the wood and the fruit is the same. One must say that this is the myrtle.”*

I.3. A. *It has been taught on Tannaite authority:*

- B. *A tree with thick leaves is valid, and one that does not have thick leaves is invalid.*
- C. *What is the definition of having thick leaves?*
- D. *Said Rab Judah, “It is a case when three leaves grow out of one nest” [Slotki].*
- E. *R. Kahana said, “Even if they grow in twos or ones.”*
- F. *R. Aha, son of Raba, went looking for one which had leaves in twos and ones. This was on the basis of the statement of R. Kahana.*
- G. *Said Mar, son of Amemar, to R. Ashi, “Father called that kind of myrtle a wild myrtle.”*

I.4. A. *Our rabbis have taught on Tannaite authority:*

- B. *If most of the leaves of a myrtle have fallen off and only the smaller number remains on it, it is valid, so long as its wreath-work [three leaves coming out of each nest of the stem] remains.*
- C. *Now the statement bears a contradiction. You have said, If most of the leaves have fallen off, it remains valid.” And then it is taught, So long as its wreath-work remains.*
- D. *Now if two of the three leaves have dropped off, where will there be wreath-work at all?*
- E. *Said Abbaye, “You may find such a thing [33A] in an Egyptian myrtle, which has seven leaves in each nest. Thus when four drop off, there still will be three left.”*
- F. *Said Abbaye, “The foregoing teaching then implies that an Egyptian myrtle is suitable for use as a hoshannah [a myrtle used in the lulab].”*
- G. *That fact is perfectly self-evident.*
- H. *[Nonetheless, we have to make it explicit. For] what might you have said? Since that sort of myrtle bears a distinctive name of its own, it is not suitable [for use in the lulab]. So we are informed [that that conclusion is incorrect].*
- I. *And might I say that that indeed is a correct conclusion?*

- J. *The All-Merciful has specified, “Boughs of a thick tree” (Lev. 23:40) — meaning, of any sort whatsoever.*
- K. *Our rabbis have taught on Tannaite authority:*
- L. *If most of the leaves have dried up, and three twigs with fresh leaves remain, it is valid.*
- M. *And R. Hisda said, “That is the case if the fresh leaves are at the tip of its sprig.”*

II.1 A. If its tip was broken off [M. 3:2C]:

- B. *Ulla bar Hinena taught on Tannaite authority, “If its tip was broken off but a berry grew on the detached myrtle, it is valid.”*

Now commences the analysis of a theoretical problem, the question of whether we apply to the things used for the performance of religious duties the principle, “once disqualified, always useless.” That question is explored in its own terms, over a broad range of distinct topics that yield analogous results. To mark what follows as a secondary development of the foregoing would seriously mischaracterize matters. The question flows from the facts at hand, but the theoretical problem, which holds the whole together, derives from a different intellectual program altogether. That is why, for this commentary in graphics, I do not indent the composition.

- II.2. A. R. Jeremiah raised the question:** *“If its tip was broken off on the eve of the festival, and a berry grew up on the myrtle on the festival, what is the law? Do we apply to the things used for the performance of religious duties the principle, ‘once disqualified, always useless,’ or do we not apply that principle [that pertains to sacrificial animals? That is, once a beast designated for a sacrifice is blemished, it remains so, even though the blemish later disappears or is removed.]”*

- B. *You may find the answer from the following rule, which we have learned in the Mishnah:*

- C. **If one covered up the blood [of a slaughtered beast, as one is supposed to do, and the blood became uncovered, the man is exempt from having to cover it up again. But if the wind blew and covered up the blood, the man is liable, nonetheless, to cover it up [M. Hul. 6:4].**

- D. *And Rabbah bar bar Hana said R. Yohanan [said], “That statement applies only to a case in which the blood was once again uncovered. But if the blood was not once again uncovered, the man is exempt from having to cover up blood, [that the wind has covered with dirt].”*

- E. *Now we reflected on this matter: Why, when the blood is once more uncovered, is one liable to cover it up? Once [the blood] has been dealt with improperly, [that should close the question and leave it] unfit, [so why should the man have to cover it up again]?*

- F. *And R. Papa said, “That is to say that we do not apply to the performance of things used for religious duties the principle, ‘once disqualified, always useless!’”*

- G. *[No, that is no solution to Jeremiah’s problem. For it begs the question, since] what [Jeremiah] asked is hardly going on its own to supply the answer!*

- H. *At issue in his mind is whether the principle, ‘once disqualified, always unfit,’ pertains to the performance of religious duties without distinction as to whether*

the result is a lenient or strict ruling, or whether it pertains to a doubt in the case only of a strict ruling but not a lenient ruling.

- I. *[We have to say that the question must] stand.*
- J. *May one say that at issue between the following Tannaite authorities is the same principle?*
- K. *“[If one has a myrtle in which the berries were more numerous than the leaves, M. 3:2D, and one] went and picked off [the berries], the myrtle remains invalid,” the words of R. Eleazar b. Sadoq.*
- L. *And sages declare it valid.*
- M. *Now the premise of what follows is that all parties to the dispute concur that a lulab does not have to be bound together, and, even if you should wish to take the view that it does have to be bound, we nonetheless do not derive the law of the lulab from the law of the sukkah, concerning which it is written, “You will make” — and not what is ready-made [Slotki, p. 147, n. 1: So that the disqualification of the lulab (on account of the myrtle that has been doctored) cannot be due to the fact that, when the myrtle became fit, the lulab had already been made]. [These two premises will recur presently.]*
- N. *It would then follow, would it not, that this is at the core of the dispute at hand:*
- O. *He who holds that the myrtle is unfit takes the view that we do apply to the performance of the various religious duties the principle, “once disqualified, always unfit.”*
- P. *And the one who declares it fit takes the position that we do not invoke the principle that what is once disqualified is always unfit in the case of things used in the performance of religious duties.*
- Q. *No, it does not at all follow. All parties maintain that we do not invoke the principle that, in the performance of the religious duties, what is once disqualified is always unfit.*
- R. *At issue here is the separate question of whether we derive the rules governing the lulab from those that pertain to the making of the sukkah.*
- S. *One authority holds that we do derive the rules of the lulab from those governing the sukkah [in which case the lulab must be ready and suitable in advance of the festival].*
- T. *And the other authority takes the view that we do not derive the rules of the lulab from those governing the sukkah.*
- U. *If you wish, I shall propose that, if we all concur that the lulab does require binding, all parties would also concur that the rules of the lulab do derive from those governing the sukkah. Here at issue, however, is whether in fact the lulab requires binding. The parties then dispute about what is at issue between the following Tannaite authorities.*
- V. *For it has been taught on Tannaite authority:*
- W. **A lulab [palm-branch, willow-branch, myrtle branch] whether bound up or not bound up is valid.**
- X. **R. Judah says, “One which is bound up is valid, and one which is not bound up is invalid” [T. Suk. 2:10A-B].**

- Y. *What is the scriptural basis for the view of R. Judah?*
- Z. *He derives the meaning of the word “take” occurring in two different and related contexts [and draws an analogy from the one to the other], with special reference to the word “take” used in regard to the binding of the hyssop.*
- AA. *It is written here, “And you shall take for yourself on the first day” (Lev. 23:40), and with reference to hyssop it is written, “And you shall take a bundle of hyssop” (Exo. 12:22).*
- BB. *Just as, in that latter instance, we speak of a bundle when we use the word “take,” so here we speak of a bundle where we use the word “take.”*
- CC. *And as to rabbis? They do not draw on analogy from the use of the word “take” in the one case for the meaning of the usage in the other.*
- DD. *Who is the Tannaite authority behind that which our rabbis have taught on Tannaite authority:*
- EE. *As to the lulab [myrtle, palm branch, willow], the religious duty is that one bind it together, but if one has not bound it together, it is nonetheless valid.*
- FF. *Now who can stand behind this statement?*
- GG. *Surely it cannot be R. Judah, for if one has not bound the species together, why would the lulab be valid?*
- HH. *And it cannot be the view of rabbis, for what religious duty does not carry out if one binds the species together, seeing that they do not require one to do so at all.*
- II. *No, it indeed is the view of rabbis, and the religious duty of binding the species is solely on the count of the verse, “This is my God, and I shall glorify him” (Exo. 15: 2), [bearing the implication that one should make the lulab look nicer by binding the species together, but there is no requirement that one actually do so.]*

III.1 A. Or if its berries were more numerous [M. 3:2D]:

- B. *Said R. Hisda, “This matter did our greater master [Rab] (the Omnipresent be his support!) state, ‘The rule of our Mishnah has been stated only with reference to [a myrtle which had all of its berries] in a single place, but if they were in two or three places, the myrtle is valid.’”*
- C. *Said Raba, “[33B] If the berries were spread about in two or three places, it would look spotty and so would be invalid.”*
- D. *Rather, if the statement imputed to Rab was made at all, this is how it was made:*
- E. **Or if its berries were more numerous than its leaves, it is invalid [M. 3:2D]:**
- F. *Said R. Hisda, “This matter did our great master [Rab] (the Omnipresent be his support!) state, ‘The rule of our Mishnah has been stated only in the case of a myrtle with black berries, but if the berries were green, they are a species of myrtle and valid.’”*
- G. *Said R. Papa, “Those that are red fall into the category of those that are black.*
- H. *“For R. Hanina said, ‘Black blood is really red blood that has deteriorated.’”*

IV.1 A. But if one then removed some of them, it is valid [M. 3:2F]:

- B. *When did he remove them? If I say that it was before he bound the species together, that is self-evident [since the myrtle was valid from the moment at which it was bound, and that is obvious].*
- C. *Rather, it must be after one has bound the species together.*
- D. *Then you have a case in which, to begin with, what is used for the performance of a religious duty is disqualified [but one has thereafter rendered the object suitable].*
- E. *From that fact you may solve the problem and conclude that what is unsuitable to disqualified to begin with is not permanently unsuitable.*
- F. *No, it was indeed after the man bound the species together that he removed the berries. But he is of the view that the act of binding the species, represents merely a designation of the object, for its actual use and mere advance designation of the object has no standing whatsoever. [Slotki, p. 149: "The binding is merely a designation for its purpose, and a mere designation is of no consequence." N. 1: The plants do not thereby assume the full character of a lulab.]*

V.1 A. But they do not remove some of them on the festival day [M. 3:2G]:

- B. *Now if one transgressed and did remove the excess berries, what is the law?*
- C. *Is it valid? But then when did the berries become black?*
- D. *If I say that the berries turned black on the preceding day, then we have a case in which, to begin with, the object was disqualified, and one may properly draw the conclusion that, if an object is at once disqualified, it is not permanently unsuitable.*
- E. *Rather it is a case in which the berries turned black on the festival day.*
- F. *Then we have a case in which the object was suitable and then became disqualified. So one may draw the inference that what was once suitable and then becomes disqualified may then become suitable again.*
- G. *No, we may not draw that inference at all. We deal with a case in which the berries turned black to begin with, in which case it indeed follows that what was disqualified to begin with does not remain unfit.*
- H. *But you may not deduce from this case the principle that what was to begin with suitable and then became unsuitable does not once more become suitable.*

V.2. A. Our rabbis have taught on Tannaite authority: But they do not remove some of them on the festival day [M. 3:2G].

- B. *In the name of R. Eliezer b. R. Simeon they have said, "They do remove some of them."*
- C. *But lo, [by doing so] does he not repair [and make ready] an object on the festival day itself? [Surely an object has to be prepared prior to the Festival. Only preparation of food may take place on the festival day itself.]*
- D. *Said R. Ashi, "We deal with a case in which one cut the myrtle for the purpose of eating [and then changed his mind and used it for the lulab. In this case one may improve the myrtle, in line with the original definition of what it was to be used for, namely, eating.]*

- E. *“And R. Eliezer b. R. Simeon takes the view of the matter that his father did, who said that something that one does not intend as a forbidden act of labor is permitted [on the festival day. The original intent was a valid one.]”*
- F. *But lo, Abbaye and Raba both have maintained that R. Simeon concurs that “if one has cut off his own head, one does not leave him to die” [meaning that if one has not had the intention of bringing about a certain result, it is nevertheless an inevitable consequence (Slotki, p. 149, n. 12)], in which case it is forbidden [and the validity of the myrtle is the inevitable consequence of the plucking of the berries (Slotki, p. 149, n. 13)].*
- G. *Here with what situation do we deal?*
- H. *We deal with a case in which the man has another hoshannah [myrtle for use on the festival]. [Slotki, p. 149, n. 14: Being independent of the one with the berries the removal of the latter cannot be regarded as the improvement of an object.] [That is to say, in Eliezer’s view we do not have a purposeful act of labor here, because the man does not need the myrtle he is improving. He has another one. That is why one may fix the myrtle up on the festival day.]*

V.3. A. *Our rabbis have taught on Tannaite authority:*

- B. *If the binding of the lulab became loose on the festival day, one may bind it up in the manner in which vegetables are bound up. [Such a binding involves not knot, and one inserts the loose end of the string between the winding and the plants.]*
- C. *But why [not make a proper binding, rather than the makeshift one just now described]? Should one not make a proper loop [which not being a knot, is permitted on the Festival (Slotki)]?*
- D. *Who stands as the authority for this statement [to the contrary]? It is R. Judah, who has said that a loop constitutes a valid knot in all regards.*
- E. *If that is the view of R. Judah, then he would require exactly such a proper knot [so why permit it at all]?*
- F. *The Tannaite authority at hand concurs with R. Judah on one matter and differs with him on another. [Judah requires a proper binding, and he regards the loop as a proper knot. The Tannaite authority at hand concurs that the lulab must be bound, but he does not see the loop as a proper knot, which is why he permits tying it on the festival day itself.]*

Unit I provides a proof text to show that a myrtle branch is required for the lulab. That is not the issue of M. 3:2, but, of course, it is the premise. Unit I:2 carries forward the inquiry of unit I:1 into the definition of what is required by Lev. 23:40, and unit I:3 does the same. Only unit I:4 brings us to the rule at hand, now with clear reference to M. 3:2D. Unit II:1 takes up M. 3:2C. But its issue is not the exegesis of the Mishnah. Rather we begin the secondary inquiry into the implications of the rule at hand for the principle that what is once disqualified remains perpetually unfit. That principle is subjected to a close reading in most of the units that follow. As we see, the rules of the sukkah and lulab are then turned into evidence for the analysis of the general principle. III:1 then treats M. 3:2D in a more limited framework. IV:1 and V:1 proceed to units M. 3:2F, G, with a clear effort at both to renew discourse on the general principle taken up earlier. So the entire sequence has to be regarded as a unitary discussion, and the principal focus

of analysis is not the Mishnah-passage before us, but its relevance to an issue selected without special interest in the facts at hand.

3:3

- A. **A stolen or dried up willow branch is invalid.**
- B. **And one deriving from an asherah or an apostate town is invalid.**
- C. **[If] its tip was broken off, [if] its leaves split, or [if it was] a mountain-willow,**
- D. **it is invalid.**
- E. **[If] it was shriveled, or [if] some of the leaves dropped off,**
- F. **or [if it came] from a [naturally watered] field [and did not grow by a brook],**
- G. **it is valid.**

I.1 A. *Our rabbis have taught on Tannaite authority:*

- B. “Willows of the brook” (Lev. 23:40) [refers to those willows] that grow by a brook.
- C. Another consideration: “Willows of the brook” — that the leaves are drawn out [elongated] like a brook [not round].

I.2. A. *A further Tannaite teaching:*

- B. “Willows of the brook” (Lev. 23:40): I know only that [acceptable are] willows that grow by a brook. How do I know the rule that those that grow in an irrigated field or in mountains are valid?
- C. Scripture states, “Willows [in the plural] of the brook,” thus encompassing those that derive from any location.
- D. **[34A]** Abba Saul says, “When the verse speaks in the plural of ‘willows of,’ it refers to two, one for use in the lulab, the other for use in the sanctuary [and hence the use of the plural does not mean what B-C have alleged].”
- E. *And as to rabbis [behind B-C], whence do they know that the law at hand covers the willow used for the sanctuary?*
- F. *They derive it as a received law, for R. Assi said R. Yohanan said, “The rule governing the ten plants [that constitute a tree planted field, which one may plough right down to the New Year of the Sabbatical Year, rather than ceasing cultivation well in advance of the Sabbatical Year, as one must do in ordinary fields not planted in trees], the rule about the willow, and the rule about the water-offering, constitute law revealed to Moses from Sinai.”*

II.1 A. **[If its tip was broken off, if its leaves split, or if it was a mountain-willow, it is invalid]:** *Our rabbis have taught on Tannaite authority:*

- B. “Willows of the brook” (Lev. 23:40) [refers to those that grow by a brook],
- C. thus excluding a mountain-willow [M. **3:3C**], which grows in the mountains.
- D. *Said R. Zira, “What is the scriptural basis at hand? ‘He placed it beside many waters, he set it as a mountain willow’ (Eze. 17: 5) [SPSPH, the same word for mountain-willow as is used in the Mishnah]. [Thus one set beside water is deemed distinct from one set in the mountains.]”*
- E. *Said to him Abbaye, “But perhaps the latter clause [‘He set it...’] serves to explain the former clause, that is, ‘He placed it beside many waters,’ and what would that mean? ‘He set it as a mountain willow.’”*

- F. *If so, what is the sense of “he set it”?*
- G. Said R. Abbahu, “Said the Holy One, blessed be he, ‘I had the plan of having Israel before me as something ‘set beside many waters,’ and what might that mean? It means like a willow. But they set themselves like a mountain-willow.”
- H. *There are those who repeat the preceding verse of Scripture with reference to the following teaching on Tannaite authority [so that Zira objects to the proof, rather than adducing it, thus:]*
- I. “He placed it beside many waters, he set it as a mountain willow” (Eze. 17: 5).
- J. *To this [reading of the verse as a proof text for M. 3:3C’s prohibition of the mountain willow], R. Zira objected, “But perhaps the latter clause serves to explain the former clause? That is, ‘He placed it beside many waters,’ and what would that mean? ‘He set it as a mountain willow.’”*
- K. *If so, what is the sense of “he set it”?*
- L. Said R. Abbahu, “Said the Holy One, blessed be he, ‘I had the plan of having Israel before me as something ‘set beside many waters,’ and what might that mean? It means a willow. But they set themselves like a mountain-willow.”

II.2. A. *Our rabbis have taught on Tannaite authority:*

- B. **What is a willow, and what is a mountain willow?**
- C. **As to a willow, its stem is red, it has a long leaf, and a smooth edge. A mountain willow has a white stem, a round leaf, and an edge serrated like a sickle [T. Suk. 2:7H-I].**
- D. *But has it not been taught on Tannaite authority:*
- E. If it is like a sickle, it is valid, but if it is like a saw, it is invalid? [Slotki, p. 152, n. 1: A sickle-like edge has all the teeth pointing in a slanting direction towards the handle; a saw-like edge has upright teeth.]
- F. *Said Abbaye, “[The statement that it is valid if it has sickle-like teeth] has been taught with respect to a rounded willow [Slotki, p. 152, n. 3: One with rounded leaves].”*
- G. *Said Abbaye, “It follows from the cited teaching that one rounded willow is valid for use as a hoshannah [willow for a lulab].”*
- H. *That is self-evident.*
- I. *It has, nonetheless, to be made explicit, for, otherwise, what might have you [falsely] concluded? Since it has a distinctive name, it will not be valid. Accordingly we are told that that is not the case.*
- J. *And might I say that indeed is the case?*
- K. “Willows of the brook” (Lev. 23:40) *is what the All-Merciful has said, thus accepting them, whatever their source.*

II.3. A. *Said R. Hisda, “As to these three things, their names have been changed since the destruction of the Temple:*

- B. *“What used to be called hilpeta is now called arabta and vice versa. [These are types of willow, and the hilpeta is a mountain willow and invalid, the arabta is a suitable willow].*
- C. *“What difference does it make? It has to do with what may be validly used in a lulab.*

- D. *“A ram’s horn is now called a trumpet and a trumpet a ram’s horn.*
- E. *“What practical difference does it make? It has to do with what may be validly used for a ram’s horn for the New Year.*
- F. *“What used to be called a large table now is called by the word for a small table, and vice versa.*
- G. *“What practical difference does it make? It has to do with trade. [If one sells an object under one name, he must provide that object in accord with the referent of the currently used name and may not appeal to the former usage in providing, in fulfillment of his contract, something other than the required object.]”*
- H. *Said Abbaye, “I too may point out that what was once called the second stomach of the ruminant is now called the first, and vice versa.*
- I. *“What practical difference does it make? It has to do with the case of a needle found in the thick wall of the second stomach. [Slotki, p. 152, n. 13: If a needle is found in the first stomach, provided it does not perforate it, the animal remains ritually fit. If it is found in the second stomach the animal is ritually unfit.]”*
- J. *Said Raba bar Joseph, “I too point out that what used to be called Babylon is now called Borsif, and vice versa.*
- K. *“What [34B] practical difference does it make?*
- L. *“It has to do with writing writs of divorce for women [which have to bear the correct title].” [Slotki, p. 152, n. 2: A bill of divorcement executed in the original Borsif and carried to another place is invalid unless the bearer made the declaration: ‘In my presence it was written, and in my presence it was signed, “while one brought from Babylon required no such declaration.”’]*
 Since earlier units have dealt with the issues of M. 3:3A, B, and most of C, the Talmud now turns directly to what is distinctive in the new paragraph, which is the issue of the mountain willow, units I:1, II:1.

3:4

- A. **R. Ishmael says, “Three myrtle-branches, two willow-branches, one palm-branch, and one citron [are required],**
- B. **“even if two [of the myrtle-branches] have their tips broken off, and only one does not have its tip broken off.”**
- C. **R. Tarfon says, “Even if all three of them have their tips broken off, [they are valid].”**
- D. **R. ‘Aqiba says, “Just as one palm-branch and one citron [are required], so one myrtle-branch and one willow-branch [are required].”**

I.1 A. *It has been taught on Tannaite authority:*

- B. R. Ishmael says, “‘The fruit of a goodly tree’ (Lev. 23:40) indicates that one [citron] is required, ‘Branches of palm trees’ (Lev. 23:40) imposes the requirement that there be one [branch] [for the word is written in the singular], ‘boughs of thick trees’ (Lev. 23:40) means three [myrtle branches] are required [since the Hebrew has three words], and ‘willows of the brook’ (Lev. 23:40) means that two [willow-branches] are necessary, and even if two of the myrtle branches have their tips broken off, and only one does not have its tip broken off [M. 3:4B], [it is valid].”

- C. R. Tarfon says, “three are necessary even if all three have their tips broken off.”
- D. R. ‘Aqiba says, “Just as one palm-branch and one citron are required, so one myrtle-branch and one willow-branch are required” [M. 3:4D].
- I.2.** A. Said R. Eliezer [omitting “to him”], “Is it possible that the citron should be bound together with the [other species, the palm branch, willow, and myrtle]?”
- B. “Thus you may say to the contrary: Is it stated, ‘The fruit of a goodly tree and branches of palm trees’ [with the end signifying that the fruit and the branches are to be bound together]?”
- C. “It says only, ‘The fruit of a goodly tree, branches of palm-trees.’”
- D. How do we know that the absence of any one of them invalidates the entire group?
- E. Scripture states, “... and you shall take...” (Lev. 23:40), meaning, Your act of taking should be complete [with all four species together].
- I.3.** A. *And R. Ishmael [who at M. 3:4B accepts broken off branches]? How will he attain a consistent position? If he requires that myrtle branches be perfect, then all of them should be perfect. If he does not require them to be perfect, then even one of them need not be perfect!*
- B. Said Biraah said R. Ammi, “R. Ishmael retracted.”
- I.4.** A. Said R. Judah said Samuel, “The decided law accords with the position of R. Tarfon.”
- B. *And Samuel is consistent with his other rulings, for Samuel said to those who sell myrtle, ‘Sell at the regular price [despite the increased demand of the season], and if you do not do so, I shall expound the law applying to you in accord with the view of R. Tarfon [who accepts broken myrtles, hence the supply of acceptable myrtle-branches will be much larger].’*
- C. *What is the basis for his position?*
- D. *If you wish to say that he wished to apply a lenient ruling to them [people at the holiday season], then let him expound the rule in accord with R. ‘Aqiba, who takes up a still more lenient position [since Tarfon requires three, but ‘Aqiba only one, myrtle-branch].*
- E. *Three myrtles with a broken tip are commonplace, but one that is not broken is not commonplace [so Tarfon’s ruling is the more lenient].*
- It seems to me that units I:1 and I:3 are continuous, since both of them take up the issues of M. 3:4A. Why unit I:2 is inserted I cannot say; its issue is not relevant here. Unit I:4 then completes the matter with a statement of decided law.

3:5-7

- A. **A stolen or dried up citron is invalid.**
- B. **And one deriving from an asherah or from an apostate town is invalid.**
- C. **[If it derived from] ‘orlah-fruit, it is invalid.**
- D. **[If it derived from] unclean heave-offering, it is invalid.**
- E. **[If it derived from] clean heave-offering, one should not take it up. But if he took it up, it is valid.**

- F. One which is in the status of doubtfully tithed produce —
- G. the House of Shammai declare invalid.
- H. And the House of Hillel declare valid.
- I. And one in the status of second tithe in Jerusalem one should not carry. But if he carried it, it is valid.

M. 3:5

- A. (1) [If] scars covered the greater part of it,
- B. (2) [if] its nipple was removed,
- C. (3) [if] it was peeled, split, had a hole and so lacked any part whatsoever, it is invalid.
- D. (1) [If] scars covered the lesser part of it,
- E. (2) [if] its stalk was removed,
- F. (3) [if] it had a hole but lacked no part whatsoever,
- G. it is valid.
- H. A dark-colored citron is invalid.
- I. And one which is green like a leek —
- J. R. Meir declares valid.
- K. And R. Judah declares invalid.

M. 3:6

- A. The measure of the smallest [acceptable] citron —
- B. R. Meir says, “The size of a nut.”
- C. R. Judah says, “The size of an egg.”
- D. And as to the largest [acceptable size] —
- E. “It must be of such a size that one can hold two in one hand,” the words of R. Judah.
- F. R. Yosé says, “Even one in two hands.”

M. 3:7

As earlier, we address the Mishnah’s topic, the etrog, but not its allegation concerning that topic, that a stolen one is invalid.

- I.1** A. *Our rabbis have taught on Tannaite authority:*
- B. “The fruit of a goodly tree” (Lev. 23:40) refers to a tree, the taste of whose wood and of whose produce is the same. That must be the citron [etrog].
- C. *And might I say it is a pepper-tree?*
- D. *That would accord with the following teaching on Tannaite authority:*
- E. R. Meir would say, “On the basis of that which is said, ‘And you have planted every kind of tree [for food, then you shall count their fruit as forbidden’], (Lev. 19:23), do I not know that it is a tree for food?”
- F. “Why then does Scripture say, ‘A tree for food’?”
- G. “You must conclude that it is a tree, the taste of whose wood and of whose produce is the same. One must say that that is a pepper [tree].
- H. “This serves, then, to teach you that pepper trees are liable to the prohibitions of fruit from trees in the fourth year after their planting [orlah],

- I. and [in addition] that the Land of Israel lacks nothing [but has every kind of needed produce], for it is written, ‘You shall lack nothing in it’ (Deu. 8: 9).”
- J. *There [with reference to Lev. 23:40] the statement is because it is not possible [to use pepper for the stated purpose, in the lulab].*
- K. *[Why not?] For how should one do it? If one should take only one [pepper seed], it will not be discernible when it is taken up.*
- L. *If we should take two or three, [that would not do,] for Scripture has specified that one takes up “one” and not two or three pieces of produce.*
- M. *Therefore [pepper is excluded] because it is not possible [to carry out the obligation with pepper, and that leaves only the citron (etrog)].*

- I.2.** A. Rabbi says, “Do not read ‘goodly’ (HDR) but stable (HDYR). Just as a stable has large and small [beasts], perfect and blemished ones, so [among citrons] there are large and small ones, perfect and blemished ones. [That proves that the necessary fruit is the citron].”
- B. *Is it the case, then, that among other sorts of produce we do not find large and small, perfect and blemished?*
 - C. *But this is the sense of his statement: Before the small ones [of the current crop] come out, the large ones [of last year’s crop] remain [a trait that applies only to the citron].*
 - D. R. Abbahu said, “Do not read ‘goodly’ (HDR) but ‘that which dwells’ (HDR), that is to say, something that remains on its tree from one year to the next. [And that is the citron].”
 - E. Ben Azzai says, “Do not read ‘goodly’ but ‘water’ (HDR/HWDR), [the latter representing the Greek word for water], for in the Greek language they call water hudor.
 - F. “What is one that grows beside water? One must say that it is the citron.”

II.1 A. And one deriving from an asherah or from an apostate town is invalid [M. Suk. 3:5B]:

- B. *What is the reason?*
- C. *Since [the citron] is going to be burned, it is as if its bits and pieces already have been crushed [and are null].*

III.1 A. If it derived from orlah-fruit it is invalid [M. 3:5C]:

- B. *What is the reason for this ruling?*
- C. *R. Hiyya bar Abin and R. Assi differed on this matter.*
- D. One said, “It is because it is never going to be available [permitted] for eating. [The orlah-fruit cannot be used, therefore cannot be called ‘yours’ as Lev. 23:40 specifies.]”
- E. The other said, “Because it is not subject to monetary value at all [being of no use whatsoever].”
- F. *[Now since each authority explains the prohibition in his own way,] the premise at hand must be that the one who requires that [a citron, for use, must ultimately become] available for eating does not require that it possess monetary value,*
- G. *while the one who requires that the citron have monetary value does not require that it be ultimately available for eating. [On the basis of the premise at hand,*

which isolates the two requirements and treats one as sufficient without the other, for qualifying, or disqualifying, the citron, we proceed to analyze the problem in light of further relevant rulings.]

- H. *We have learned in the Mishnah: **If it derived from unclean heave-offering, it is invalid [M. 3:5D].***
- I. *Now in line with the thesis of the one who says that the sufficient reason [for excluding the citron in the status of orlah] is that it will never become available for eating, this further ruling poses no problems [since the same trait characterizes unclean heave-offering, which may never be eaten but must be burned].*
- J. *But in the view of him who says that the sufficient reason [for excluding the citron in the status of orlah] is that it has no monetary value, why [should the citron which is unclean heave-offering be rejected]? One can, after all, [by burning the citron] use it for a fire for his cooking pot. [So the citron can be sold for fuel.]*
- K. *It must follow that all parties concur that we require that a citron be ultimately available for eating [even though at a given moment it may not be permitted to eat a citron in the status at hand].*
- L. *Where there is a dispute, it must have to do with the matter of whether the citron bears monetary value or not.*
- M. *One authority takes the view that we require the possibility at some point of eating the citron but we do not require that it possess monetary value, while the other party takes the view that we also require that the citron possess monetary value.*
- N. *What practical difference does it make?*
- O. *At issue is use of produce in the status of second tithe which is located in Jerusalem [where it may be eaten. Such produce may not be eaten outside of Jerusalem. At issue then is whether or not such produce falls into the category of property one may sell.]*
- P. *The dispute, further, is in accord with the basic principle attributed to R. Meir.*
- Q. *In accord with him who has said that the reason [governing the exclusion of a citron in the status of orlah-fruit] is that it will never become available for eating. But in the case of produce in the status of second tithe, it does become available for eating [in Jerusalem itself].*
- R. *But in the view of him who has said that the operative criterion is that the citron does not possess monetary value, produce in the status of second tithe belongs to the Most High. [It does not belong to the farmer but to God, who decrees how it is to be dealt with. So it does not qualify by this criterion.]*
- S. *May you, furthermore, draw the conclusion that it is R. Assi who has said that the decisive criterion is that the citron at hand does not possess monetary value?*
- T. *For R. Assi has said, “A citron in the status of second tithe in the view of R. Meir may not serve for a person to fulfill his obligation on the festival day, and in the view of sages, such a citron may serve for a person to fulfill his obligation on the festival.”*
- U. *You may indeed draw that conclusion.*

III.2. A. *As to the body of the text just now cited:*

- B. R. Assi said, "A citron in the status of second tithe, in the view of R. Meir, may not serve for a person to fulfill his obligation on the festival day, and, in the view of sages, such a citron may serve for a person to fulfill his obligation on the festival."
- C. "As to unleavened bread in the status of second tithe, in the view of R. Meir, it may not serve for a person to fulfill his obligation on Passover, and, in the view of sages, such unleavened bread may serve for a person to fulfill his obligation on the festival."
- D. "As to dough in the status of second tithe, in the view of R. Meir it is not liable to the separation of dough-offering, and in the view of sages it is liable to the separation of dough-offering."
- E. *To this statement R. Papa objected, "Now with respect to the dough, [there is no problem], for it is written, 'Of the first of your dough' (Num. 15:21). [Dough in the status of second tithe is not 'yours' but belongs to the Most High.]*
- F. *"Likewise with reference to the citron, [there is no problem], for it is written, '... For yourself' (Lev. 23:40), meaning, it must be yours.*
- G. *"But with respect to unleavened bread, where is it written 'Your unleavened bread' [that the unleavened bread must belong wholly to the person who eats it]?! [Such a provision does not appear.]"*
- H. *Said Rabba bar Samuel, and some say it in the name of R. Yemar bar Shelamiah, "We derive the rule by analogy with regard to the use of the word 'bread.'*
- I. *"Here it is written, 'Bread of affliction' (Deu. 16: 3), and there [in regard to the dough from which bread-offering is to be separated], it is written, [35B] 'When you shall eat of the bread of the land' (Num. 15:19).*
- J. "Just as in that latter case, the 'bread' must belong to you, and therefore may not be in the status of tithe, so here, the 'bread' must belong to you and may not be in the status of tithe."
- K. *May I propose that the following supports the view that just now stated:*
- L. "Dough in the status of second tithe is exempt from the requirement of separating dough-offering," the words of R. Meir.
- M. And sages say, "It is liable to the separation of dough-offering."
- N. *May I say that what has just been cited gives support?*
- O. *That is possible, since it is exactly the same statement as is given above!*
- P. *No, what is meant is that, just as in the one case, there is a dispute, so in the other there is a dispute [in which case the principle at hand is the same, and Assi's thesis is reinforced].*
- Q. *Or perhaps the case of dough-offering is distinct from the others, for in that case Scripture has made use of the word "Your dough" two times (Num. 15:20, 21). [Slotki, p. 158, n. 15: In this case alone perhaps, where the fact that it must be one person's property is emphasized, does R. Meir exempt it, but not in the case of the citron or unleavened bread, where Scripture laid no such emphasis.]*

The dispute about the operative consideration is now introduced into the explanation of each of the Mishnah's rulings. These are [1] the operative consideration is that the produce does not ultimately become available for eating,

and [2] the operative consideration is that the citron at hand is not subject to monetary value. So the whole is provided with a profound foundation in a governing principle.

IV.1 A. If it derived from unclean heave-offering, it is invalid [M. 3:5D]:

B. *The reason is that it never becomes available for eating [but remains prohibited].*

V.1 A. If it derived from clean heave-offering, one should not carry it [for purposes of the lulab] [M. 3:5E]:

B. *There is a dispute about this matter between R. Ammi and R. Assi.*

C. One said, "It is because [in taking it up, one usually wets it so as to keep it fresh, and this] renders it susceptible to uncleanness [which one should not do to food in the status of heave-offering. One must protect the cultic cleanness of such food, which serves as priestly rations.]"

D. The other said, "It is because one causes it to be worth less [by using it and so damaging the peel, and one may not diminish the value of heave-offering, which is holy and must be protected]."

E. *What would be the practical difference between these two views?*

F. It would be a case in which one designated as heave-offering the entire citron, except for its outer skin.

G. *In the view of the one who said that the operative consideration is that one renders the fruit susceptible to uncleanness, that same consideration applies here.*

H. *But in the view of the one who says that he causes loss to the value of what is in the status of heave-offering, that consideration is absent. [The peel, which is damaged, is not in the status of heave-offering.]*

VI.1. A. But if he took it up, it is valid [M. 3:5E]:

B. *From the viewpoint of him who has invoked the criterion that [in the case of the citron] it does not become available for eating at any point in the future, lo, to the citron at hand, it does become available for eating in the future,*

C. *and in the view of him who has said that the operative criterion is that it is not subject to monetary value, lo, this produce [clean heave-offering] most certainly does have monetary value.*

VII.1 A. One which is in the status of doubtfully tithed produce [M. 3:5F]:

B. *[Since one may not eat fruit in the status of doubtfully tithed produce], what is the reason that the House of Hillel [declare it valid]?*

C. *Since, if the farmer wants, he may declare all of his property ownerless, in which case he would be in the status of a poor man, and such a citron would be suitable for him in that status, now too we regard the produce as falling into the classification of what is "yours" [for potentially it could gain that status].*

D. *For we have learned in the Mishnah: People may give to the poor or to billeted troops doubtfully tithed produce to eat [M. Dem. 3:1P].*

E. *But the House of Shammai take the view that a poor man is not permitted to eat doubtfully tithed produce.*

F. *For we have learned in the Mishnah: People may give to the poor or to billeted troops doubtfully tithed produce to eat [M. Dem. 3:1], in which connection R.*

Huna said, *“It has been taught on Tannaite authority: ‘The House of Shammai say, “They do not give to the poor or to billeted troops doubtfully tithed produce to eat.”*”

- G. *““And the House of Hillel say, “They do give to the poor or to billeted troops doubtfully tithed produce to eat.”””*

VIII.1. A. And one in the status of second tithe in Jerusalem [M. 3:5I]:

- B. *In the view of him who has said that the operative consideration is that, in using the citron, one renders it susceptible to uncleanness, in the present instance that consideration applies.*
- C. *And in the view of him who has said that one lowers the value of the produce by using it, that consideration applies here too.*

IX.1 A. But if he carried it, it is valid [M. 3:5I]:

- B. *According to him who has said that the operative consideration is that the produce does not ultimately become available for eating, this represents the view of all parties [to the dispute cited earlier].*
- C. *In the view of him who has said that the operative consideration is that the citron at hand is not subject to monetary value, in accord with whose view is the present rule given?*
- D. *It accords only with the position of rabbis.*

X.1 A. If scars covered the greater part of it [M. 3:6A]:

- B. Said R. Hisda, “This teaching was stated by our great master [Rab], (and the omnipresent be his support!), ‘The statement at hand applies only if the scars were located in a single place, but if they were located in two or three places, it is valid.’”
- C. *Said Raba to him, “To the contrary, if the scars were located in two or three cases, it would look spotted and hence would be unfit.”*
- D. *But if the statement was made, it was made with reference to the latter clause of the passage at hand, If scars covered the lesser part of it [M. 3:6D] [as follows:]*
- E. Said R. Hisda, “This teaching was stated by our great master [Rab] (and the Omnipresent be his support!) ‘The statement at hand applies only if the scars were located in a single place, but if they were located in two or three places, it would look spotted and hence would be unfit.’”
- F. Said Raba, “If the spots were on the [Slotki:] oblate part [the part of the citron which slopes towards the nipple], even if it is of the slightest extent, the citron also is not suitable.”

XI.1 A. If its nipple was removed [M. 3:6B]:

- B. *R. Isaac b. Eleazar taught on Tannaite authority, “If its peduncle was removed” [So Slotki].*

XII.1 A. If it was peeled [M. 3:6C]:

- B. Said Raba, “A citron which was peeled back like a red date is valid.”
- C. *And lo, we have learned in the Mishnah, If it was peeled, it is invalid [M. 3:6C]?*

- D. *There is no problem. [36A] The former statement deals with one which has been entirely peeled, the latter to one which has been only partially peeled. [The latter is regarded as spotty.]*

XIII.1 A. If it was split, had a hole... [M. 3:6C]:

- B. *Ulla bar Hanina taught on Tannaite authority [on the statement, ... had a hole and so lacked any part whatsoever, it is invalid], “If the hole goes through completely, it is invalid whatever the size of the hole.*
- C. *“But if it does not go through completely, then it is invalid only if the hole is the size of an issar-coin.”*

XIII.2. A. Raba raised this question, “If symptoms that would in the case of a beast render the beast terefah appeared in a citron, what is the law?

- B. *What issue, in fact, does he raise?*
- C. *If the issue is the rule in a case in which the citron was peeled, we have learned in the Mishnah-passage at hand [that it is invalid] [M. 3:6C].*
- D. *If the issue is whether the citron was split, we have learned in the Mishnah-passage at hand [that it is invalid] [M. 3:6C].*
- E. *If the issue is whether the citron had a hole in it, we have learned in the Mishnah-passage at hand [that it is invalid] [M. 3:6C].*
- F. *When he raises the question, it deals with that which Ulla said R. Yohanan [said], “A lung, [the contents of which] pour out as from a ladle [Slotki] — [the beast] is suitable.”*
- G. *And Raba, “That rule pertains when the arteries are viable. Lo, if the arteries are not viable, it is in the status of terefah.”*
- H. *As to the present matter [of the citron], what is the rule? [Slotki, p. 161, n. 11: The seed kernels are regarded as corresponding with the arteries of the lungs.]*
- I. *Perhaps in the case of the beast, in which the air cannot reach [the lung-arteries], the beast could return to health. But here, in which the air can reach [the innards of the citron], that is not the case, for the citron will rot.*
- J. *Or, on the other hand, perhaps there is no distinction between the two cases.*
- K. *Come and take note: A citron that is swollen, rotted, pickled, boiled, Ethiopian [dark], white, or spotty, is invalid. One that is round as a ball is invalid, and some say, “Also twin[s, that have grown together].”*
- L. *As to a citron that is half-ripe, R. ‘Aqiba declares it invalid. And sages declare it valid.*
- M. *If the farmer grew it in a frame and made it look like some other species, it is invalid.*
- N. *Accordingly, it has been taught that one that is swollen, rotted [is invalid, and that would settle the question just raised].*
- O. *Would that not refer to one that is swollen on the outside and rotted on the inside?*
- P. *No, both traits are exhibited on the outside. There is no contradiction, for the one speaks of a citron that is swollen even though it is not rotted, and the other speaks of one that is rotted even though it is not swollen.*

XIII.3. A. [Reverting to the cited passage], a master said: An Ethiopian citron that is dark is invalid.

B. *And has it not been taught on Tannaite authority, “An Ethiopian citron is valid. One that is like an Ethiopian one [but not grown there] is invalid”?*

C. *Said Abbaye, “We too have learned on Tannaite authority the same teaching: ‘One that is like an Ethiopian one.’”*

D. *Said Raba, “There is no contradiction, one speaks of us, the other of them.”* [Slotki, p. 161, n. 4: In Palestine Ethiopian citrons are unknown and therefore they are declared invalid. In Babylonia Ethiopian citrons were common and valid.]

XIII.4. A. [Reverting to the cited passage once more: As to a citron that is half ripe,] R. ‘Aqiba declares it invalid, and sages declare it valid.

B. Said Rabbah, “R. ‘Aqiba and R. Simeon say the same thing. R. ‘Aqiba is represented by the passage we have just now cited.

C. *“What is the matter of R. Simeon?”*

D. *“It is in accord with that which we have learned in the Mishnah:*

E. **“R. Simeon declares exempt [from tithes] citrons when they are small [M. Ma. 1:4].”**

F. *Said Abbaye to him, “Perhaps that is not the case. R. ‘Aqiba may take the view he does in the present case [of the citron] because we require that the citron be ‘goodly,’ and that trait is absent [in a half-ripe citron]. But in the case of the matter of tithes, he would accord with rabbis [who hold that a half-ripe citron would be liable to tithing].*

G. *“Or one may maintain the contrary is true, namely, that R. Simeon takes the view he does [of the liability of half-ripe citrons to tithing] only because it is written, ‘You shall surely tithe all the increase of your seed’ (Deu. 14:22), [so applying the tithe to produce such as] people bring forth for sowing [that is, ripe fruit]. But in the matter of the citron used for the Festival, he may well accord with rabbis.*

H. **[36B]** *“And he might go no further than that.”*

XIII.5. A. [Reverting again to the cited passage:] If a farmer grew it in a frame and made it look like some other species, it is invalid.

B. Said Raba, “That statement pertains only to one that is made to grow into the shape of another species, but if it retained its own natural shape, it remains valid.”

C. *That is self-evident. The cited passage is explicit in referring to its taking the shape of another species!*

D. *It was, nonetheless, required to make such a statement [as Raba’s] to speak of a case in which the citron was formed into the shape of planks joined together [which Raba regarded as a shape natural to the citron].*

XIII.6. A. *It has been stated on Amoraic authority:*

B. A citron that mice have gnawed —

C. Said Rab, “Such as that would not fall into the category of ‘goodly.’”

D. *Is that really the case?*

E. *But lo, R. Hanina [Slotki:] tasted part of it, and thereby carried out with it his obligation to make use of the citron.*

- F. *In that case, the cited Mishnah [... lacked any part whatsoever, it is invalid (M. 3:6C)] presents a problem to R. Hanina.*
- G. *Indeed, the cited passage of the Mishnah poses no problem to R. Hanina. In the one case [in which a citron lacking any part is invalid], we refer to [use of a gnawed citron] on the first day of the festival, in the other [in which it is acceptable], we refer to the second day. [The second day is subject only to rabbinical authority, therefore the requirements are less strict.]*
- H. *But to Rab we discern a difficulty [in the conflicting rulings].*
- I. *Rab would say to you, "The case of mice is different [so that even on the second day of the festival, such a citron would not be acceptable], for mice are disgusting."*
- J. *[In a different version of the foregoing], others say, "Rab said, 'Such a citron indeed falls into the category of goodly.'*
- K. *"And lo, R. Hanina tasted part of it and thereby carried out with it his obligation to make use of the citron.*
- L. *"But does the Mishnah at hand not present a problem to R. Hanina?*
- M. *"[No,] for in the one case [in which such a citron is unacceptable], it is the first day of the Festival, in the other, it is the second."*

XIV.1 A. The measure of the smallest acceptable citron [M. 3:7A]:

- B. Said Rifram bar Papa, "Parallel to the dispute in the present passage is the dispute concerning rounded pebbles."
- C. *For it has been taught on Tannaite authority:*
- D. On the Sabbath it is permitted to take along three rounded pebbles into the privy. [Such a privy has no walls, and ordinarily one could not carry an object into it.]
- E. What is the minimum size?
- F. R. Meir says, "The size of a nut."
- G. R. Judah says, "The size of an egg."

XV.1 A. And as to the largest acceptable size [M. 3:7E]:

- B. *It has been taught on Tannaite authority:*
 - C. Said R. Yosé, "There was a precedent involving R. 'Aqiba, who came to the synagogue with his citron on his shoulder."
 - D. Said R. Judah to him, "There is no proof from that precedent. For even there, people said to him, 'This does not fall into the category of 'goodly.'"
- Commencing with the established formal-formulary pattern, M. 3:5A-B, the unit on the citron (etrog) proceeds in a quite different direction. It makes the point that the citron must be available for eating, and, it follows, what may not be eaten, M. 3:5C, D, also will not serve. Doubtfully-tithed produce must be properly tithed; since, when taken up, they may not be eaten because they require further preparation, the House of Shammai invalidate them. Since they nonetheless can be made suitable for eating, the House of Hillel validate them. Second tithe in Jerusalem may be eaten, but falls under the rule of E. The triplet of contrast, M. 3:6A-C, D-G, is clear as given. (C3 must match D3). The three appended disputes, M. 3:6-7, deal with problems of definition. The sequence of the

Talmud's units is in accord with the sentences of the Mishnah-paragraph. The Talmud's program is narrowly exegetical.

3:8

- A. **"They bind up the lulab [now: palm-branch, willow-branch, and myrtle-branch] only with [strands of] its own species," the words of R. Judah.**
 - B. **R. Meir says, "Even with a rope [it is permitted to] bind up [the lulab]."**
 - C. **Said R. Meir, "M'SH B: The townsfolk of Jerusalem bound up their palm-branches with gold threads."**
 - D. **They said to him, "But underneath they [in fact had] tied it up with [strands of] its own species."**
- I.1** A. *Said Raba, "[People may bind up the palm-branch, willow-branch, and myrtle branch into the lulab] even with bast, even with strips of the roots of a date-palm."*
- B. *And Raba said, "What is the reason for R. Judah's view [at M. 3:8A]? He takes the position that the lulab must be bound up, and if one makes use of some other species [besides those in the lulab itself], you would come out with five, and not [only the] four, [required] species."*
 - C. *And Raba said, "How do I know that even bast or the root of a palm tree constitute species of the palm-tree [and hence may be used]?"*
 - D. *"For it has been taught on Tannaite authority: "You shall dwell in sukkah [tabernacles]" (Lev. 23:42), meaning, a sukkah made of any sort of material,' he words of R. Meir.*
 - E. *"R. Judah says, 'A sukkah is customarily [made] only of the four species that are used in the lulab.*
 - F. *"And logic presents the following argument. If the lulab, use of which is not required by night as by day, is customarily made up only of the four species, a sukkah, which is applicable by night as by day, surely should be made up only of the four species.'*
 - G. *"They said to him, 'Any argument a fortiori which you may prove, so that at the outset the result is a more strict ruling emerges but at the end a more lenient ruling, is no logical argument. [The upshot of the argument at hand is to produce a lenient ruling, as will now be explained.]*
 - H. **[37A]** *"If one did not find the four species, he may sit and do nothing [and make no sukkah at all]. Yet the Torah has stated, "You shall dwell in sukkah," which must mean, made of anything whatsoever.'*
 - I. *"And so Ezra says, "Go out to the mountain and get olive branches and branches of wild olive and myrtle branches and palm branches and branches of thick trees to make sukkot as it has been written" (Neh. 8:15)."*
 - J. *What does R. Judah say about this verse?*
 - K. *He takes it to speak [with reference to other than the four species] of the sukkah [not the roofing], while the references to "myrtle branches, palm branches, and branches of thick trees" alone refer to the sukkah-roofing.*
 - L. *But have we not learned in the Mishnah: "People may make sukkah-roofing out of boards," the words of R. Judah [M. Suk. 1:6].*

- M. [Slotki, p. 165, n. 8: Since only that which is valid for the lulab is valid for the sukkah,] *it surely follows that bast and palm-tree roots fall into the category of species that serve for the lulab.*
- N. *It does indeed follow.*
- O. *But does R. Judah take the view that the four species may serve [for sukkah-roofing] and no other species may be used?*
- P. *And has it not been taught on Tannaite authority:*
- Q. If one has made a sukkah-roofing with boards of cedar wood, if they are four handbreadths, all parties concur that the roofing is invalid.
- R. If there are not four handbreadths,
- S. R. Meir declares the roofing invalid, and R. Judah declares it valid. And R. Meir concludes that if there is a space between each board of the breadth of a board, one may put laths between the boards and the roofing is valid. [Cedar is not one of the four species, yet Judah accepts it for the sukkah-roofing, so he does not hold that only the four species may be used].
- T. *What is the meaning of “cedar”? It means “myrtle.”*
- U. *And that accords with Rabbah bar R. Huna, for Rabbah bar R. Huna said, “In the house of Rab [the ruling is] that there are ten species of cedars, as it is said, ‘I will plant in the wilderness cedar, the acacia tree, the myrtle,’ etc. (Isa. 41:19). [So the myrtle also may fall into the category of the cedar.]”*

II.1 A. R. Meir says, “Even with a rope it is permitted to bind up the lulab [M. 3:8B]:

- B. *It has been taught on Tannaite authority:*
- C. **Said R. Meir, “M’S H B: The nobility of Jerusalem bound up their palm-branches with gold threads.”**
- D. **They said to him, “From that precedent there is no proof. Underneath they in fact had tied it up with strands of its own species” [T. Suk. 2:10F-G].**

II.2. A. Said Rabbah to those who bind the hoshannah [the lulab in its entirety] for the establishment of the exilarch, “When you bind up the hoshannah for use in the establishment of the exilarch, leave a handle, so that there should not be any interposition [between the hand of the one who holds it and the lulab itself].” [Slotki, p. 166, n. 8: Rabbah holds that according to Pentateuchal law, the binding is unnecessary. Hence it would form an interposition between one’s hand and the wreath.]

- II.3. A. Raba said, “Whatever serves to adorn the lulab does not constitute an interposition [that would disqualify a person from holding and using that lulab. Such an exposed handle is unnecessary.]”**
- B. *And Rabbah said, “A person should not take hold of a hoshannah by means of a scarf, because we require an unblemished act of taking [that is, direct control without interposition] and that is lacking [if one uses a scarf].”*
- C. And Raba said, “If one takes hold of something by means of an intervening object, that nonetheless is regarded as a valid act of taking.”
- D. *Raba said, “On what basis do I maintain that if one takes hold of something by means of an intervening object, that is regarded as a valid act of taking?”*

- E. *"It is on the basis of the following teaching, which we have learned in the Mishnah: A hyssop which is too short — one makes it suffice with a thread and with a spindle and immerses it and brings it up and holds on to the hyssop itself and sprinkles [with it] [M. Par. 12:1]."*
- F. *"Why so? Has not the All-Merciful said, 'And he shall take.. and immerse...' (Num. 19:18)? Thus it is inferred that if one takes hold of something by means of an intervening object, that is regarded as a valid act of taking."*
- G. *But why so? Perhaps in that case, the rule differs, since one has tied one object to the other, and [the handle] is therefore regarded as part of the body of the object to which it is tied.*
- H. *Rather, proof derives from here: If the ash fell from the reed to the trough, it is unfit [M. Par. 6:1F].*
- I. **[37B].** Lo, [it follows] if one threw the ashes into the water the ashes remain valid. [Slotki, p. 167, ns. 5-6: The ashes of the red cow were carried in tubes from which they emptied into a stone trough containing the water [for mixing]. If the ashes fall into the water of their own accord, they became invalid, since the putting into the water must be done with intention. Though, as in the case when they fell of their own accord, the man did not hold the ashes themselves, but only the tube which contained them, if the man threw the ashes into the water, the ashes remain valid.]
- J. *Why so? "And they shall take of the ashes... and he shall put..." (Num. 19:17). Does it not follow, then, that if one takes hold of something by means of an intervening object, that is regarded as an act of taking?*
- K. *And Rabbah said, "One should not poke the lulab into the bound willow and myrtle [hoshannah], lest some of the leaves fall off and constitute interposing matter."*
- L. *And Raba said, "In the case of one species together with the same species, there is no problem of interposition."*
- M. *And Rabbah said, "A person should not shear the palm branch while it is in the willow and myrtle [hoshannah], lest loose leaves remain and constitute interposing matter."*
- N. *And Raba said, "In the case of one species together with the same species, there is no problem of interposition."*
- O. *And Rabbah said, "As to a myrtle branch used to carry out the religious duty [of taking the myrtle branch], it is forbidden to sniff it, while as to the citron used for the same purpose, it is permitted to do so.*
- P. *"What is the reason for this ruling? As to the myrtle, since it is used for its scent, when one sets it aside, it is for its scent that one sets it aside [and hence it cannot be used for other than its designated purpose, which is the carrying out of the religious duty. Now sniffing it merely for the scent is to use it for a secular purpose instead of its sacred purpose.]"*
- Q. *"But as to the citron, which is used for eating, when one sets it aside, it is for eating that one sets it aside [and smelling it has no bearing upon the sacred purpose for which it has been designated]."*

- R. And Rabbah said, "When a myrtle is attached [to the bush] [on the Sabbath], it is permitted to sniff it, and when a citron is attached to the tree, it is forbidden to sniff it.
- S. *"What is the reason behind this distinction? Since the myrtle is used for smelling, if you permit one to smell it, he will not come to cut it down. But a citron is for eating. If you permit one to smell it, one will come and cut it down [to eat it, and this is something one may not do on the Sabbath]. [To avoid that transgression, one may not even smell it. No transgression will be likely to follow sniffing the myrtle, since one will not be tempted to cut it down.]"*
- T. And Rabbah said, "A lulab is to be held in the right hand, and a citron in the left.
- U. *"What is the reason? The former stands for the commission of three religious duties, the latter, only one."*
- V. Said R. Jeremiah to R. Beriqā, "What is the reason that a people say a blessing only 'over the taking of the lulab' [without referring to the other species]?"
- W. "It is because it is higher than the others."
- X. *Then why not lift up the citron and say a blessing over that too?*
- Y. He said to him, "The reason is that as a species it [the palm tree] is higher than the others."

The construction as a whole is framed around a variety of sayings pertinent to the theme of the Festival in general, and the citron and lulab in particular. Unit II:2 in fact serves as a prologue for unit II:3. The whole set derives from Rabbah and Raba, framed in a clear pattern. The insertion of the whole construction is on account of the opening discussion, directly relevant to the Mishnah-paragraph at hand. The construction clearly follows its own interests and has been put together to stand quite independent of the passage at hand. But the component that commences so clearly addresses the exegesis of the Mishnah that the entire, unitary construction must be seen as an effort to build a miniature, running "Talmud."

3:9A-D

- A. **And at what point [in the Hallel-psalms, 113-118] did they shake [the lulab]?**
- B. **"At 'O give thanks unto the Lord' (Psa. 118), beginning and end; and at, 'Save now, we beseech thee O Lord' (Psa. 118:25)," the words of the House of Hillel.**
- C. **And the House of Shammai say, "Also: At, 'O Lord, we beseech, thee, send now prosperity' (Psa. 118:25)."**
- D. **Said R. 'Aqiba, "I was watching Rabban Gamaliel and R. Joshua, for all the people waved their palm-branches, but they waved their palm-branches only at, 'Save now, we beseech thee, O Lord' (Psa. 118:25)."**
- I.1** A. **[And at what point [in the Hallel-psalms, 113-118] did they shake [the lulab]?:] Who mentioned the issue of waving the lulab [that the Mishnah raises that issue at all]?**
- B. **It pertains to that earlier passage: "Any lulab that is three handbreadths [in length], sufficient for waving, is valid."**

- C. *And, at the present point, the statement then is made: At what point... did they shake the lulab [M. 3:9A].*

As to waving the two loaves of show-bread and the two lambs of the Festival of Weeks, how does one carry out the rite?

This item is analogous to the rite of waving the lulab, but it is introduced for formal, rather than substantive reasons, so far as I can see.

I.2. A. *There we have learned in the Mishnah:*

- B. **As to the two loaves of show-bread and the two lambs of the Festival of Weeks, how does one carry out the rite?**
- C. **He puts the two loaves of bread on top of the two lambs and places his two hands below and swings them forward and backward and upward and downward, as it is written, “Which is waved and which is raised up” (Exo. 29:27) [M. Men. 5:6I-L].**
- D. Said R. Yohanan, “One swings forward and backward, to Him who owns all four winds, upward and downward to Him who owns heaven and earth.”
- E. *In the West the matter was repeated in this way:*
- F. Said R. Hama bar Uqba said R. Yosé b. R. Hanina, “One swings forward and backward to hold back destructive winds, upward and downward to hold back destructive dews.”
- G. Said R. Yosé bar Abin, *and some say* R. Yosé bar Zabila, “That is to say [38A] that doing even trivial parts of a religious duty serves to hold back punishment.
- H. “For lo, the act of waving is nothing more than a trivial aspect of the religious duty, and yet it holds back destructive winds and dew.”
- I. And Raba said, “And so is the case with the lulab.”
- J. *R. Aha bar Jacob would wave the lulab and say, “This is an arrow in the eyes of satan.”*
- K. *But this is not a good thing, because it may lead [satan] to be provoked against him [who does it].*

Unit I is a propos, but unit I:2 serves M. Men. 5:6. It is relevant here because of the statement of Raba that the rule applies also to waving the lulab. That is treated as analogous. But surely the passage was framed to serve M. Men. 5:6 and transferred here.

3:9E-H

- E. **He who was on a trip and had no lulab [with which] to carry [out his religious duty] —**
- F. **when he reaches home, should carry the lulab at his own table.**
- G. **[If] he did not carry his lulab in the morning, he should carry it at dusk,**
- H. **for the entire day is a suitable time for the palm-branch.**

I.1 A. *You have stated: He should carry the lulab at his own table [M. 3:9F].*

- B. *That bears the implication that one interrupts [his meal to do so].*
- C. *The following was raised as an objection: [A man should not sit down before the barber close to the afternoon prayer unless he already has prayed, nor at*

that time should a man go into a bath house or into a tannery, nor to eat, nor to enter into judgment.] But if they began, they do not break off what they were doing [M. Shab. 1:2A-E]. [In principle, then, people do not interrupt what they were doing.]

- D. *Said R. Safra, "There is no contradiction. In the one case we deal with a period during which there is yet time during the day [to complete what one was doing and also the religious duties], in the other we deal with a case in which there is no time to complete the religious duty by day."*
- E. *Said Raba, "What contradiction can there be? In the one case we deal with what is done on the authority of the Torah, in the other, what is done in the authority of rabbis [and for the former, one interrupts what one is doing in order to carry out the religious duty, in the latter, one does not.]"*
- F. *Rather, said Raba, "If there is a problem, this is the problem: **When he reaches home, he should carry the lulab at his own table [M. 3:9F].** That bears the implication that one interrupts [the meal for that purpose]. But then it teaches: **If he did not carry his lulab in the morning, he should carry it at dusk [M. 3:9G].** That bears the implication that one does not interrupt [what he is doing in order to carry out the deed of taking up the lulab]."*
- G. *Said R. Safra, "There is no contradiction between the two statements of the Mishnah-paragraph at hand. In the one case we deal with a period during which there is yet time during the day, in the other we deal with a case in which there is no time to complete the action by day."*
- H. *Said R. Zira, "What contradiction do we have after all? Perhaps it is the case that it is a religious obligation to interrupt [the meal to take the lulab], but if one has not done so, then: **If he did not carry his lulab in the morning, he should carry it at dusk, for the entire day is a suitable time for the palm-branch [M. 3:9G-H].**"*
- I. *Rather, said R. Zira, "In point of fact, matters are just as we said to begin with. And as to your argument that the one rule pertains to a religious duty resting on the authority of the Torah, the other on the authority of rabbis, in the present case we deal with the second day of the festival, observance of which, to begin with, rests only on the authorities of rabbis. You may find evidence by a close reading of that which we have learned in the Mishnah: **He who was on a trip and had no lulab to carry [M. 3:9E].** Does anyone imagine that on the first day of the festival it would be permitted [to make such a trip to begin with? Hence the passage can only speak of the second day of the festival anyhow]."*

The Talmud's sustained discussion aims at resolving the implicit contradiction between M. 3:9F and G. This is accomplished through making matters explicit at M. Shab. 1:2, and then proceeding to apply what has been discovered to the issue at hand. The dispute is thoroughly worked out. It is hard to point to a more perfect talmud than this one, which bears every compelling and attractive trait of intellect that this Talmud exhibits.

3:10-3:11 A-D

- A. He for whom a slave, woman, or minor read answers after them by saying what they say.
- B. But it is a curse to him.
- C. If an adult-male read for him, he answers after him [only] “Halleluyah.”

M. 3:10

- A. Where they are accustomed to repeat [the last nine verses of Psa. 118], let one repeat.
- B. [Where it is the custom] to say them only once, let one say them only once.
- C. [Where it is the custom] to say a blessing after it, let one say a blessing after it.
- D. Everything follows the custom of the locality.

M. 3:11A-D

I.1 A. *Our rabbis have taught on Tannaite authority:*

- B. While [sages] have said, “A son may say a blessing for his father, a slave for his master, a woman for her husband,” nonetheless, sages have said, “May a curse come upon a man whose wife or children say blessings for him [because of his ignorance].”

I.2. A. *Said Raba, [38B] “Important rules are to be derived from the customs relating to the recitation of the Hallel-psalms:*

- B. “The prayer-leader says, ‘Halleluyah,’ and the people say, ‘Halleluyah.’ On the basis of that statement we learn that it is a religious duty to respond to the word ‘Halleluyah’ by repeating it.
- C. “The prayer-leader says, ‘Praise Him, you servants of the Lord’ (Psa. 113: 1) and the people say, ‘Halleluyah.’ On the basis of that statement we learn that if an adult recites the prayer, one responds with the word ‘Halleluyah,’ to what he has said.
- D. “The prayer-leader says, ‘Give thanks to the Lord’ (Psa. 118: 1), and the people respond, ‘Give thanks to the Lord.’ On the basis of that statement we learn that it is a religious duty to respond at the start of the several segments [of the Hallel-Psalms].”
- E. *It has been stated, in addition, on Amoraic authority:*
- F. Said R. Hanan bar Raba, “It is a religious duty to respond at the start of the several segments of the Hallel-Psalms.”
- G. [Reverting to Raba’s statement, we proceed:] “The prayer-leader says, ‘Save now, we beseech you, O Lord’ (Psa. 118:25), and the people answer, ‘Save now, we beseech you, O Lord.’ On the basis of that statement we learn that if a minor was reciting the Hallel-psalms, the people respond by repeating what he says after him.
- H. “The prayer-leader says, ‘O Lord, we beseech you, send now prosperity’ (Psa. 118:25), and the people respond, ‘O Lord, we beseech you, send now prosperity.’ On the basis of that statement we learn: **Where they are accustomed to repeat [what has been said], let one repeat [M. 3:11A].**

- I. “The prayer-leader says, ‘Blessed is he who comes’ (Psa. 118:26), and the people reply, ‘In the name of the Lord’ (Psa. 118:26). On the basis of that statement we learn that one who merely hears [a statement with approval] is in the status of one who has actually made the statement himself [Since the person is not obligated to repeat the words, he clearly fulfills his duty merely by hearing them].”

I.3. A. *R. Hiyya bar Abba was asked, “If one has heard [the cited phrase] but did not respond to it, what is the law?”*

- B. *He said to them, “Sages, scribes, heads of the people, and exegetes have ruled: ‘If one has heard [the passage] but not responded, he nonetheless has carried out his obligation.”*

C. *Along these same lines it has been stated on Amoraic authority:*

- D. Said R. Simeon b. Pazzi said R. Joshua b. Levi in the name of Bar Qappara, “How do we know that the one who hears [a passage] is in the same status as one who responds to it?

E. “Since it is written, ‘... even all the words of the book which the King of Judah has read aloud’ (2Ki. 22:16).

F. “Now did Josiah read them? Was it not Shaphan who read them aloud, as it is written, ‘And Shaphan read it before the king’ (2Ki. 22:10)?

G. “On the basis of the passage at hand, therefore, we conclude that the one who hears a passage is in the same status as one who responds to it.”

H. *But perhaps, in the discourse at hand, after Shaphan read the passage aloud, Josiah read it aloud too?*

I. *Said R. Aha bar Jacob, “Don’t let such a thought enter your mind. For it is written, ‘Because your heart was tender and you humbled yourself before the Lord when you heard what I spoke’ (2Ki. 22:19). That is, ‘When you heard,’ not ‘when you read.’”*

I.4. A. Said Raba, “A person should not say, ‘Blessed he is who comes’ (Psa. 118:26) and then, after a pause, go and say, ‘In the name of the Lord.’ Rather, he should say, ‘Blessed is he who comes in the name of the Lord’ [as a] complete [sentence, without interruption].”

B. **[39A]** Said Raba, “A person should not say, ‘May the great name...,’ and then, after a pause, say, ‘be blessed.’ Rather: ‘Let the great name be blessed’ [as a] complete [sentence, without interruption].”

C. Said R. Safra to him, “By Moses! Did you give the rule correctly? [Surely not!] But in both passages it is the completion of the clause, and we have no reason to object to a pause.”

II.1 A. Where it is the custom to repeat [M. 3:11A]:

B. *It has been taught on Tannaite authority:*

C. Rabbi repeats certain words in the passage.

D. R. Eleazar b. Parta adds some words.

E. *What does he add?*

F. Said Abbaye, “He adds the practice of repeating the words starting at, ‘I will give thanks to you’ (Psa. 118:21) to the end of the Psalm.”

III.1. A. Where it is the custom to say a blessing after it, let one say a blessing after it [M. 3:11C]:

- B. Said Abbayye, “That rule pertains only to saying a blessing after the Hallel-psalms. But as to reciting a blessing before repeating them, it is one’s religious duty to say such a blessing.”
- C. For R. Judah said Samuel said, “In the case of carrying out all religious duties, one says a blessing prior (C^WBR) [to doing] them and then goes on to carry them out.”
- D. *And how do we know that the word (‘WBR) means “prior”?*
- E. *It is in line with that which R. Nahman bar Isaac has said, “It is written, ‘Then Ahimaaz ran by the way of the plain and he overtook (L[’]BR) the Cushite’ (2Sa. 18:23) [meaning that he got ahead of him, hence attained priority].”*
- F. *Said Abbayye, “It is from the usage of the word at hand in the following verse, ‘And he himself went before them’ (Gen. 33: 3).”*
- G. *And if you wish, you may derive the same meaning implicit in the verse from the following usage: “And their king has gone ahead in front of them, and the Lord is at the head of them” (Mic. 2:13).*

Unit I:1 complements M. 3:10A-B. Unit I:2 proceeds to an extended set of conclusions supplied by Raba, pertinent to M. 3:10C, also to M. 3:11A, which is cited. The essay, however, is not composed as an exegesis of the passage at hand. I:3 then supplements the passage by dealing with one who did not respond to hearing a passage of prayer or psalms. Unit I:4 provides yet another supplement. Units II:1 and III:1 then gloss M. 3:11A, C, as indicated. So we have a mixture of exegetical complements to the Mishnah-passages and secondary supplements on the themes at hand.

3:11E-F

- E. **He who buys a lulab [palm-branch, myrtle-branch, willow-branch] from his fellow in the Seventh Year — [the seller] gives him a citron as a gift.**
- F. **For one is not permitted to buy [the citron] in the Seventh Year. [Transactions in certain produce may not be carried on in the Seventh Year, so the citron cannot be sold or bought. The restrictions do not affect the other components of the lulab.]**

I.1 A. [He who buys a lulab [palm-branch, myrtle-branch, willow-branch] from his fellow in the Seventh Year — the seller gives him a citron as a gift:] What is the law [if the seller] is not willing to give over [the citron] as a gift?

- B. Said R. Huna, “The purchaser should cover the money paid for the citron with that paid for the lulab [paying what covers all four items but declaring that he is giving the price for three].”
- C. *But why not simply hand it over to him directly [paying the money for the citron without further ado]?*
- D. It is because people may not hand over the price of produce grown in the Seventh Year to an am ha’ares [who cannot be relied upon to observe the restrictions of the Seventh Year].
- E. *For it has been taught on Tannaite authority:*

- F. They do not hand over an am ha'ares money received in exchange for produce of the Seventh Year in more than the amount of what is needed to buy food for three meals. If one has handed money over [in excess of that amount,] he must say, "Lo, these coins are to be deconsecrated in exchange for produce that I have in my house" [39B], and [the seller] then comes [to the man's house] and eats the designated food in accord with the restrictions affecting the sanctification of produce in the Seventh Year.
- G. Under what circumstances [does the foregoing rule apply]? To the case of one who purchases produce that derives from ownerless property [to begin with], but if one purchases produce that has been held as private property [that is, that has been guarded], it is forbidden to give to the seller even so much as a half-issar [since one may not trade in produce grown in the Seventh Year that one has kept as his own in violation of the law]. [In the former case, we impute to the am ha'ares the intent of keeping the law, in the latter we assume he will trade with the money received in exchange for the produce, and that money is now subject to the restrictions of the Seventh Year.] [The question of C has now been answered.]
- H. *Objected R. Sheshet, "Is it indeed permitted to pay over funds sufficient for three meals [and no larger sum of money] only in the case of the purchase of produce from what is in fact ownerless property?*
- I. *"But the following represents an objection [to that distinction]: Rue, goosefoot, purslane, hill-coriander, water-parsley, and meadow-eruca are exempt from the separation of tithes and may be bought during the Sabbatical Year from anyone [even one suspected of violating the laws of the Sabbatical Year], because produce of their type is not cultivated [but grows wild] [M. Sheb. 9:1A-B, Newman, p. 180]. [There is no restriction as to the volume of the purchase or the price that may be paid.]"*
- J. *[Sheshet] introduced the objection and he also resolved it: "They taught the foregoing rule to apply only to a purchase price sufficient to provide one's food [for three meals.]"*
- K. So did Rabbah bar bar Hana say R. Yohanan said, "They taught the foregoing rule to apply only to a purchase price sufficient to provide one's food [for three meals]."
- L. *How do we know that the phrase used to indicate "food sufficient to provide one's food [for three meals]" [the word mana] refers to food? As it is written, "And the king provides food (YMAN) for them as a daily portion of the king's food" (Dan. 1: 5).*
- M. *[Reverting to the point at hand, we now ask:] If [we may pay over only enough money as may be used to purchase food for three meals], the same rule should apply also to the lulab? [Why should money used for the purchase of a lulab not be restricted as the money paid for the citron is restricted?]*
- N. *[The restrictions of the Sabbatical Year do not apply to the lulab,] for the lulab [used in the Sabbatical Year] has in fact grown in the sixth year prior to the Seventh Year [with the bulk of the growing season prior to the Seventh Year. The result is that the restrictions on produce grown in the Seventh Year do not apply].*
- O. *If so, is not the citron also the product of growth in the sixth year, which has merely come to completion in the Seventh Year?*

- P. *In the case of determining the status of the citron, we follow the criterion provided by the point at which the citron is harvested [rather than the point at which the bulk of its growth has been completed, and the citron is harvested in the Seventh Year for use on the Festival. Hence it is regarded as produce of the Seventh Year and subject to the restrictions of that year.]*
- Q. *But in point of fact [that is not the case], for, both Rabban Gamaliel and R. Eliezer concur that, so far as the issue of the Seventh Year is concerned, the citron's status is governed by the point at which it blossomed [and that is in the sixth year, and hence the foregoing statement cannot be correct. We shall now introduce the evidence for the proposition at hand.]*
- R. *For we have learned in the Mishnah: "A citron is in the status of a tree in three respects and in the status of a vegetable in one. It is in the status of a tree in regards to the laws of orlah, produce of the fourth year [which must be eaten in Jerusalem], and produce of the seventh Year. And it is in the status of a vegetable in one aspect, that, at the season [40A] of its harvest, one has to set aside the tithes to be derived from it," the words of Rabban Gamaliel. R. Eliezer says, "It is in the status of a tree in all respects" [M. Bik. 2:6, Wenig, pp. 79-80]. [All parties concur then that the status of the citron is governed by when its fruit is harvested, when no authority at hand will concur with that view.]*
- S. *[Answering this objection:] The authority [who takes the position, that the status of the citron is dictated by the point at which its fruit is harvested], accords with the following Tannaite authority.*
- T. *For it has been taught on Tannaite authority:*
- U. **Said R. Yosé, "Abtolemos affirmed in the name of five elders that a citron is subject to the separation of the tithes required in the year in which it is picked. And in Usha our rabbis voted concerning this matter, and ruled that a citron is subject to the separation of tithes and to the restrictions of the Seventh Year in accord with the year in which it is picked" [T. Sheb. 4:21C-D, Newman, p. 133].**
- V. *But who mentioned the Sabbatical Year at all [that that issue should be suddenly introduced in the end of foregoing statement but not at the beginning]?*
- W. *The cited text contains a lacuna, and this is how it should be repeated:*
- X. **A citron is subject to the separation of tithes required in the year in which it is picked, and to the restrictions of the Sabbatical Year as these apply to the year in which it blossomed. And in Usha our rabbis voted concerning this matter and ruled that a citron is subject to the separation of tithes and to the restrictions of the Seventh Year in accord with the year in which it is picked.**
- I.2.** A. *The operative consideration, then, is that the lulab at hand is assigned to the sixth year that leads into the Seventh. Lo, had it been subjected to the rules of the Seventh Year, it is taken for granted in the foregoing discussion that the lulab would be regarded as sanctified [in accord with the rules governing the Seventh Year].*

- B. *But why should this be the case at all? Lo, the lulab is [made up merely of] wood, and wood is not subject to the restrictions of the sanctity of produce grown in the Seventh Year.*
- C. *For it has been taught on Tannaite authority:*
- D. As to leaves of reeds and of vines which one piled up as a cover on a field, if one then gathered them in order to eat them, they are subject to the rules of sanctity affecting produce of the Seventh Year. If he gathered them for use as wood, they are not subject to the rules of sanctity affecting produce of the Seventh Year. [So what is used only as wood is not subject to the taboos of the Seventh Year.]
- E. *[The case involving use of wood for firewood] is to be distinguished [since Scripture itself has made a distinction in respect to the applicability of the taboos of the Seventh Year], for Scripture has stated, "... for you for food" (Lev. 25: 6).*
- F. In this way Scripture establishes an analogy between what is "for you" and what is "for food."
- G. The restriction governing the Sabbath Year produce applies to that which both imparts benefit and also is consumed at the same moment, thus eliminating wood, which imparts benefit only after it is consumed [and turned into coals]. [Slotki, p. 178, n. 14: A lulab, however, whose main use is for sweeping a floor, is used up or consumed at the same time that the benefit is derived from it.]
- H. *But there is the case of pine wood, which imparts benefit at the same moment at which it is consumed [since it is used for torches].*
- I. Said Raba, "Wood under ordinary conditions is meant for burning." [We do not take account of exceptional instances. The norm generates the law.]

I.3. A. *As to the use of wood for heating, there is a dispute among Tannaite authorities.*

- B. *For it has been taught on Tannaite authority:*
- C. Produce of the Seventh Year may not be used either for steeping or for washing, [since it is meant to be eaten].
- D. R. Yosé says, "People may use it for that purpose."
- E. *What is the Scriptural basis for the rule of the first of the two Tannaite authorities?*
- F. *It is that Scripture has said, "... for eating" (Lev. 25: 6) — and not for steeping or washing.*
- G. *What is the Scriptural basis for the position of R. Yosé?*
- H. *It is that Scripture has said, "For you," meaning for all your needs, even steeping and washing.*
- I. *And the first of the two Tannaite authorities has also to note that it is written, "For you."*
- J. That use of the word "for you" is meant to establish the analogy between what is "for you" and what is "for eating," yielding the principle that that which both imparts its benefit and also is consumed at the same moment [may define a permitted utilization of produce of the Seventh Year], then excluding the labor of steeping and washing, in which case the benefit that the produce imparts comes after the consumption of the produce. [Slotki, p. 179, n. 8: If flax, for instance, is

steeped in wine of the Sabbatical Year in the process of its preparation, the wine is already spoiled by the time the flax is ready for us.]

- K. *And as to R. Yosé, is it not written, “For eating”?*
- L. He requires that reference to yield a different point entirely, namely, “For eating” — and not for an ointment. [One may not use as an ointment produce of the Seventh Year, e.g., olive oil.]
- M. *For it has been taught on Tannaite authority:*
- N. “For food” (Lev. 25: 6) — and not for an ointment.
- O. You maintain that the sense is, “‘For food’ and not for an ointment.” But perhaps it means only, — and not for laundering [clothes].
- P. When the passage states, “For you,” lo, that encompasses the matter of using produce of the Seventh Year in connection with laundry.
- Q. Lo, how, then, shall I interpret the reference, “For food”?
- R. It must mean, “For food” — and not for an ointment.
- S. On what basis, however, do you wish to include [using produce of the Seventh Year] for laundering and to exclude anointing [with that same produce]?
- T. **[40B]** I include laundering, which applies equally to everybody, and I exclude anointing, which does not apply to everybody. [Everybody eats, everybody washes, but not everybody uses ointments.]
- U. *Who stands behind this statement, which our rabbis have taught on Tannaite authority:*
- V. “For food” (Lev. 25: 6) and not for an ointment.
- W. “For food” and not for perfume,
- X. “For food” and not for an emetic?
- Y. In accord with which Tannaite authority? It accords with the view of R. Yosé.
- Z. *For it cannot be in accord with rabbis, for if it were, there also are the matters of steeping and washing [which they would explicitly exclude].*

- I.4.** A. Said R. Eleazar, “Produce of the Seventh Year is deconsecrated only through sale. [Slotki, p. 180, n. 5: Only if it is sold to a second party, not by exchanging the one for the other while the owner retains the produce for himself, as in the case of holy things.]”
- B. And R. Yohanan said, “It may be deconsecrated both through sale and through exchange [with the declaration, ‘This produce is exchanged for that money’].” [Eleazar takes the view that the produce must be sold to a second party, not exchanged for other produce. In the case of Holy Things, the owner retains the produce to be consecrated for himself, simply by substituting other produce for it (Slotki).]
- C. *What is the scriptural basis for the position of R. Eleazar?*
- D. *Since it is written, “And in this year of the Jubilee you shall return” (Lev. 25:13). [Jubilee rules pertain, also, to the Seventh Year, of course.] And nearby it is written, “And if you sell anything to your neighbor” (Lev. 25:14). Thus it is by means of sale [that what is subject to the rules of the Seventh Year is to be transferred], and not through the means of deconsecration [that would be the case*

for Holy Things, which may be removed from the status of sanctification not only through sale but also through substitution.]

- E. *What is the scriptural basis for the view of R. Yohanan?*
- F. *Since it is written, “For it is a Jubilee, it shall be holy” (Lev. 25:14), [so establishing an analogy to Holy Things].*
- G. *Just as Holy Things may be deconsecrated through both sale and exchange, so produce subject to the restrictions of the Seventh Year may be deconsecrated through both sale and exchange.*
- H. *And as to R. Yohanan, how does he interpret this reference to “And if you sell anything to your neighbor” (Lev. 25:14)?*
- I. *He requires it for proof of the proposition attributed to R. Yosé b. R. Hanina. For it has been taught on Tannaite authority:*
- J. **Said R. Yosé bar Hanina, “Come and see how difficult are agricultural occupations even indirectly related to those forbidden in the Seventh Year. How so? If a man does work on produce of the Seventh Year, he begins to sell his movables, as it is said, ‘In this year of Jubilee each of you shall return to his property. And if you sell to your neighbor...’ (Lev. 25:13-14)” [T. Ar. 5:9A-C].**
- K. *And as to R. Eleazar, how does he deal with the proof-text adduced in behalf of the view of R. Yohanan?*
- L. *He requires it for proof for the following teaching on Tannaite authority: “For it is a jubilee, it shall be holy unto you” (Lev. 25:12).*
- M. *Just as sanctification takes effect for money that is paid in exchange for what is sanctified, also the taboos of the Seventh Year take effect for money paid in exchange for produce of the Seventh Year.*
- N. *There is a Tannaite teaching in accord with the view of R. Eleazar, and there is a Tannaite teaching in accord with the view of R. Yohanan.*
- O. *The Tannaite teaching in accord with the view of R. Eleazar is as follows:*
- P. *The restrictions applicable to the Seventh Year take effect for funds paid over for such produce, as it is said, “For it is a jubilee, it shall be holy unto you” (Lev. 25:12).*
- Q. *Just as sanctification takes effect for money that is paid for what is sanctified, so that the money is subject to prohibition, also the taboos of the Seventh Year take effect for money paid for produce of the Seventh Year, so that the produce is subject to the same prohibitions.*
- R. *If one might wish to propose, “Just as the status of sanctification takes effect for money paid for what is Holy Things so that the object that had been sanctified then goes forth to the status of deconsecration [and is now profane and not holy], so the status of sanctification takes effect for money paid for what is in the status of the Seventh Year so that the produce that had been in the status of the Seventh Year now goes forth to deconsecration [and is no longer subject to the restrictions of the Seventh Year],”*
- S. *the following verse of Scripture prevents one’s reaching such a conclusion: “... it shall be...” (Lev. 25:12), meaning, it shall remain exactly in the state of being that it had before, [that is, holy.]*

- T. How so?
- U. If with produce subject to the restrictions of the Seventh Year one bought meat, both the produce and the meat must be removed at the time in the Seventh Year at which one is liable to remove from one's house, and make available as free and ownerless property, produce that is subject to the restrictions of the Seventh Year.
- V. If [in the aftermath of the same transaction] one purchased fish with the meat, the meat has now been dropped from the matter and the fish enters in its place.
- W. If with the fish one bought wine, the fish leave the chain and the wine joins it.
- X. If with the wine one bought oil, the wine leaves and the oil enters.
- Y. How so? [In the case of one who sold produce of the Seventh Year, used the money received to purchase some other produce, and then exchanged this produce, in turn, for still other produce,] the very last produce obtained in this manner is subjected to the laws of the Seventh Year, and the produce itself [i.e., the original produce of the Seventh Year remains] forbidden [that is, subject to the restrictions of the Seventh Year] [M. [Sheb. 8:7D-E](#), Newman, p. 171].
- Z. *[This accords with the view of R. Eleazar,] for, since the Tannaite teaching is phrased repeatedly in terms of "purchase" [and not exchange as well], it follows that it is only through sale, and not through exchange, that produce of the Seventh Year is deconsecrated.*
- AA. *It has been taught on Tannaite authority in accord with the view of R. Yohanan:*
- BB. "The same rule applies to both produce subject to the restrictions of the Seventh Year and produce in the status of second tithe:
- CC. "Both of them may be given secular status and so deconsecrated in exchange for a domesticated beast [of equivalent value], a wild beast, and fowl, whether living or slaughtered," the words of R. Meir.
- DD. And sages say, "It may be in exchange for those that have been properly slaughtered, but not in exchange for those that are yet alive. That is a precautionary decree, lest a farmer raise flocks from them [and the flocks would retain their consecrated status, but the farmer might not impute to the offspring of the consecrated beasts that same status, and hence would commit sacrilege]."
- EE. Said Raba, "The cited dispute concerns [\[41A\]](#) the male beasts, but as to the female beasts, all parties concur that in exchange for properly slaughtered beasts such an exchange may take place, but in exchange for living ones, it may not take place, as a precautionary decree, lest a farmer raise flocks from them."
- FF. Said R. Ashi, "The dispute concerns the original produce [that itself was subject to the sanctified status as either produce subject to the restrictions of the Seventh Year or produce in the status of second tithe].
- GG. "But as to produce received in a subsequent exchange, all parties concur that the deconsecration may be effected through either sale or exchange.
- HH. *"And as to the repeated reference to purchase, since the word purchase is used in the opening clause, the word purchase is repeated also in the later ones."*
- II. *Rabina objected to this view of R. Ashi on the basis of a cited teaching, "He who has a sela-coin subject to the restrictions of the Seventh Year [in which case, whatever is purchased with that money must be used up in the Seventh Year itself]*

and wants to buy a shirt with that money [and the shirt will outlast the year], how does he proceed?

- JJ. “Let him go to a storekeeper whom he ordinarily patronizes and say to him, ‘For this sela give me produce.’ He then gives him the sela and then goes and says to the storekeeper, ‘Lo, these pieces of fruit are given over to you as a gift.’ The storekeeper then replies to him, Lo, this sela is given to you as a gift.’ The man then goes and buys anything he wants with the money [because the coin now is no longer subject to the restrictions of the Seventh Year. The original coin was exchanged for the produce. The coin the man now receives is merely a gift from the storekeeper.]
- KK. *“Now in the present case, the produce in question is that which has been received in a subsequent exchange [and is not the original produce that itself had been subject to the sanctified status of produce of the Seventh Year, since that original produce had been exchanged for the coin prior to the transaction we have just now witnessed.] And yet, the framer of the passage teaches that the transaction is carried on as a purchase but not as an exchange.”*
- LL. Rather [revising the attempted theory], said R. Ashi, “The dispute at hand pertains to produce that has entered the process at a later point but is not the original produce that had been subject to the restrictions of the Seventh Year.
- MM. “But as to the original produce, all parties [Eleazar, Yohanan] concur that it may be given secular status and relieved of its sanctification only through purchase and not through exchange.”
- NN. *And lo, it has been taught [in support of Yohanan’s view]:* The same rule applies to both produce subject to the restrictions of the Seventh Year and produce in the status of second tithe [and the latter surely may be deconsecrated through exchange, not only through purchase]!
- OO. *What is the sense of the word “Seventh Year” in the cited teaching? The meaning is “money received for produce of the Seventh Year.”*
- PP. *For if you wish to maintain that at hand is actual produce which is in the status of tithe [and not money exchanged for that produce], lo, it is written, “You shall bind the money in your hand” (Deu. 14:25). [The exchange thus can be made only for money, since Scripture takes for granted that the produce in the status of second tithe has been exchanged for money, with the actual produce left home and the money brought to Jerusalem.]*
- QQ. *Here too we speak only of money that has been given in exchange for produce subject to the restrictions of the Seventh Year.*

In the Seventh Year one may not purchase produce grown in that year. The citron, picked that year, alone falls under the rule. Hence the citron is to be given as a gift, while the other items may be bought and sold. The other items are wood, not food, and may be bought and sold. Since the topic of produce in the Seventh Year is introduced, the Talmud pursues that subject, opening with attention to the Mishnah’s statements, then moving on to other principles relevant to the theme but not to what the Mishnah has specifically alleged. Yet, as we see, the theme, in unit IV, is important, because it deals with transactions in produce of the Seventh Year, to which M. 3:11F makes reference. So the theme is scaled down to conform to the points of interest of the Mishnah-paragraph at hand. Unit I raises an important

question generated by the rule of the Mishnah. Unit I:2 continues the interests of unit I, and unit I:3, of unit I:2. So units I-:1-3 form a singular, protracted exercise. Then unit I:4 raises its own very interesting question, which it works out in a thorough way. The entire construction is a model of secondary speculation on a topic on which, in primary terms, the framers of the Talmud have very little to say, yet which, as is clear in unit I, they wish to discuss.

3:12

- A. At first the lulab was carried in the Temple for seven days, and in the provinces, for one day.
- B. When the Temple was destroyed, Rabban Yohanan b. Zakkai ordained that the lulab should be carried in the provinces seven days,
- C. as a memorial to the Temple;
- D. and that the whole of the day on which the sheaf of first fruits is waved should be forbidden [for the use of new produce, which may be used only from the waving of the ‘omer and thereafter; this had formerly been offered at noon].

I.1 A. *How do we know on the basis of Scripture that we establish a memorial to the destroyed sanctuary?*

- B. *Said R. Yohanan, “Scripture has said, ‘For I will restore health to you, and I will heal you of your wounds, says the Lord, because they have called you an outcast. She is Zion, there is none that seeks for her’ (Jer. 30:17).*
- C. *“‘There is none that seeks for her’ [stated as a criticism] implies that a quest [for her welfare] is called for.”*

II.1. A. And that the whole of the day on which the sheaf of first fruits is waved [M. 3:12D]:

- B. *What is the reason for that ordinance?*
- C. *[It is to express the following sentiment:] Quickly may the sanctuary be rebuilt, so [without such an ordinance] people may say, “Last year we did not consume new produce [of the current crop, rather than from last year’s] from the time of first light in the east? Now too we should eat [new produce from dawn].” But people will not know that in that last year, when there was no house of the sanctuary, it was the advent of dawn on the fifteenth of Nisan that, by itself marked the point at which it was permitted to eat produce of the new crop. But now, when there is a Temple once more, it is the waving of the sheaf of first fruits in the Temple rite [not merely dawn] that serves to permit the consumption of the new crop.*
- D. *Now at what point does the foregoing statement take for granted the new Temple will be rebuilt?*
- E. *If we should propose that it will be rebuilt on the sixteenth, then it is a simple fact that the eating of the new crop of produce is permitted solely by the dawn [on the sixteenth, since there is no rite in the Temple to be expected on that day. In point of fact the Temple will not be rebuilt in time to make a difference.]*
- F. *Accordingly, it must follow that [the premise is that] the Temple will be rebuilt on [or before] the fifteenth of Nisan, in which case the eating of the new crop should be permitted [on the sixteenth] only from midday onward.*

- G. *For lo, we have learned in the Mishnah: Those who live a distance from Jerusalem are permitted [to eat new produce] from noon onward, since the court [of the Temple, responsible for the waving of the sheaf of new produce which permits the use of the new crop] is not likely to be slovenly about [carrying out the rite] [M. Men. 10:5]. [The rite would be done by noon on the sixteenth of Nisan, so people in different places could rely on it.]*
- H. *It was necessary, nonetheless, [to ordain the rule assigned to Yohanan ben Zakkai that it is forbidden to eat new produce for the entire day on which, when the Temple stood, the sheaf of first fruits was waved] to take account of the possibility that the Temple might be rebuilt by night or near sunset [of the fifteenth of Nisan, in which case the waving of the sheaf of first fruits would have to await noon on the sixteenth of Nisan. Dawn by itself would not matter, and people would err, as at E-F].*
- II.2.** A. [Said] R. Nahman bar Isaac said, “[That is not the principal consideration at all. Rather], in making his statement, Rabban Yohanan ben Zakkai followed the theory of R. Judah, who said, ‘On the strength of the authority of the Torah-law, the entire day of the sixteenth of Nisan [that is, the day on which the sheaf of first fruits is waved] is forbidden as to the consumption of the new crop.
- B. “For it is written, **[41B]** ‘Until this self-same day’ (Lev. 23:14), meaning, until the very day, and he further takes the view that the word ‘until’ is inclusive [meaning that the prohibition remains in effect until the very end of the time named, that is, until the end of the day].”
- C. *But does [Judah] concur with the view of [Yohanan ben Zakkai]?*
- D. *And lo, [Judah] differs [with views assigned to Yohanan], for it has been taught on Tannaite authority:*
- E. When the Temple was destroyed, Rabban Yohanan ben Zakkai made an ordinance that eating new produce would be forbidden for the entire day on which the sheaf of first fruits was to be waved.
- F. Said R. Judah to him, “But is it not the case that, on the basis of the law of the Torah, that entire day is prohibited in any event, since it is written, ‘Until this self-same day’ (Lev. 23:14), meaning, until the very day [at the end of that day]. [So there is no need for such an ordinance.]”
- G. *R. Judah is the one who erred. He thought that [Yohanan] had made his ruling in the view that the prohibition of eating the new crop derived only from the authority of rabbis [and was not based on the authority of the Torah], but that is not the case, for [Yohanan] took the position that the prohibition rested on the authority of the Torah.*
- H. *What then is the sense of “ordained” [since surely rabbis cannot effect an ordinance based on their own authority and so set aside a rule based on the authority of the Torah. Indeed, an ordinance based on rabbis’ authority alone would have no bearing.]*
- I. *“What is the sense of “ordained”?”] It is that he made an exegesis of the Torah and on that basis [and not on the strength of rabbinical authority alone] he made his ordinance.*

The two ordinances take account of the destruction of the Temple. The sheaf of first fruits was offered on the sixteenth of Nisan, so from the afternoon onward, it had been permitted to eat produce harvested in the present growing cycle. But Yohanan permitted use of the new produce for the whole of the sixteenth of Nisan, as a memorial to the Temple. Unit I:1 explains the basic thesis at hand, and unit II:1 explores the foundation for Yohanan's ruling. This is in two parts. At first we explain the ordinance about the eating of new produce on the basis of an anticipated miracle. Then we proceed to a second and more theoretical legal explanation of the same matter.

3:13-14

- A. [If] the first festival day of the Festival [of Sukkot] coincides with the Sabbath, all the people bring their lulabs to the synagogue [on the day before].
- B. On the next day they get up and come along. Each one finds his own and takes it.
- C. For sages have said, "A person does not fulfill his obligation [to wave the lulab] on the first day of the Festival by using the lulab of his fellow.
- D. "And on all other days of the Festival, one does fulfill his obligation [to wave the lulab] by using the lulab of his fellow."

M. 3:13

- A. R. Yosé says, "[If] the first day of the Festival [of Sukkot] coincides with the Sabbath, [if] one forgot and brought his lulab out into the public domain, he is exempt [from the obligation to bring a sin-offering],
- B. "because he brought it out [intending to do what is] permitted."

M. 3:14

- I.1** A. [If the first festival day of the Festival of Sukkot coincides with the Sabbath, all the people bring their lulabs to the synagogue on the day before:] *Whence on the basis of Scripture do we know [that a person must use his own lulab on the first day of the Festival]?*
- B. *It is in accord with that which our rabbis have taught on Tannaite authority:*
- C. "And you shall take" (Lev. 23:40) means that each person is responsible for an act of taking [the lulab and citron].
- D. "For yourself" means that [what you take] must belong to you personally, thus excluding one that is borrowed or stolen.
- E. On the basis of the foregoing exegesis, sages have stated the following [in T.'s version:]
- F. **On the first day of the festival a person does not fulfill his obligation [to wave the lulab] by using the lulab of his fellow [M. 3:13C],**
- G. **unless he gives it over to him as an unconditional gift.**
- H. **M'SH B: Rabban Gamaliel, R. Joshua, R. Eleazar b. Azariah, and R. 'Aqiba were traveling in a boat and had no lulab with them. Rabban Gamaliel bought a lulab for a thousand zuz. Once he had fulfilled his obligation with it, he gave it to his fellow, and his fellow to his fellow, so that all of them**

fulfilled their obligation. Afterward they returned it to him. [T. Suk. 2:11A-C].

- I. *Why was it necessary to add the detail that they returned it to him?*
- J. *It is to provide a rule quite tangential to the main point, which is that a gift made on the stipulation that what is given be returned nonetheless falls into the category of a gift.*
- K. *That accords, also, with what Raba said, “‘Here is this citron [as a gift to you] on condition that you return it to me’ — if one has taken it and carried out his obligation and returned it to the other, he has carried out his obligation, but if he did not return it, he did not carry out his obligation.”*
- L. *Why was it necessary to add the detail that he paid a thousand zuz for it?*
- M. *It was to let you know how much [the rabbis at hand] prized the carrying out of the commandments.*

I.2. A. Said Mar bar Amemar to R. Ashi, “Father would say The Prayer while [holding] it.”

- B. *They objected:* A person should not hold phylacteries in his hand, or a scroll of the Torah in his arms, and say his prayers, nor should he urinate while holding them or sleep in them either on a regular basis or even for a quick nap. In this connection Samuel said, “In the same category fall a knife, dish, bread, and money.” [How then could Mar bar Amemar’s father have held the lulab while saying his prayers?]
- C. *In the cases at hand, in holding the listed objects in his hand the man is not in the process of carrying out a religious duty, so he may well be disturbed about them [and worry not to drop them], but here [in the case of the lulab] he is in the process of performing a religious duty by holding on to that object, and, accordingly, he will not be disturbed about the matter.*

I.3. A. *It has been taught on Tannaite authority [in T.’s version]:*

- B. **Said R. Eleazar b. R. Sadoq, “It was the practice of the townsfolk of Jerusalem to do things thus: One would enter the synagogue carrying the lulab in his hand.**
- C. **“He would arise to read the translation [of the Scripture] or to take his place before the ark, with his lulab in his hand.**
- D. **“[If] he arose to read in the Torah or to raise his hands [in the priestly benediction of the congregation], he would put it down on the ground.**
- E. **“When he went out of the synagogue, his lulab was in his hand.**
- F. **“When he went in to visit the sick and to comfort mourners, his lulab was in his hand.**
- G. **“But when he entered the study-house, he would give it to his son or his messenger and return it to his house” [T. Suk. 2:10H].**
- H. *What does the cited passage teach us?*
- I. *It shows how conscientious the people were in carrying out religious duties.*

II.1 A. **R. Yosé says, “If the first day of the Festival...” [M. 3:14A]:**

- B. Said Abbaye, **[42A]** “The stated rule applies only in a case in which the man had not carried out his obligation with [the lulab prior to leaving his house. In that

case, he is not culpable for taking it out into public domain.] But if he had carried out his obligation with that lulab, he is liable [for violating the Sabbath by carrying the lulab into public domain. Now he has no exculpation since he need not carry out a religious duty.]”

- C. *Lo, at the moment that a man took up the lulab [in his house] he carried out his obligation with it [so how can we find a case in which Abbaye’s condition is met, that is, in which the man has not already carried out his obligation with the lulab prior to leaving his house]?*
- D. Said Abbaye, “We deal [in the Mishnah’s rule] with a case in which the man had turned the lulab upside down [in which case he had not fulfilled his obligation to take it up, so that, when he left the house, the intention to carry out his religious duty still mattered].”
- E. *Raba said, “Even if you say that he had not turned it over [the rule of the Mishnah pertains]. In the present case, with what situation do we deal? It is with a case in which the man carried the lulab out of his house in a utensil. [In that case we cannot say the man has taken up the lulab and carried out his obligation with it.]”*
- F. *But it is Raba himself who has said, “Taking something up by means of an intervening object falls into the category of taking up [and one would carry out his obligation to take up the lulab even if he had the lulab in an intervening object, such as a vase].”*
- G. *That position [of Raba] pertains to a case in which one took up an object in a respectful way, but if he took it up in a disgraceful way, Raba’s principle would not apply. [Slotki, p. 89, n. 8: If one takes it with a scarf one wears out of respect, it is valid, but if one carries it out in a vessel, thus showing lack of respect, it is not valid.]*

- II.1 A. [he is exempt [from the obligation to bring a sin-offering], because he brought it out [intending to do what is] permitted:]** [Dealing with the principle of M. 3:14B:] said R. Huna, “R. Yosé would say, ‘In the case of a burnt-offering of fowl which was found among other birds [Slotki, p. 189: at the southwestern side of the altar, where, in addition to burnt-offerings of fowl, sin-offerings of fowl were also sometimes offered], and in which the priest thought that the fowl at hand had been offered as a sin-offering [in which case the bird may be eaten by the priest, while, had it been offered as a burnt-offering, it could not be eaten by the priest but had to be wholly burned up], [the priest is] exempt from liability [for eating the bird].”’
- B. *Now precisely what did R. Yosé propose to tell us? Is it that if one has made an error in carrying out a matter involving a commission of a religious duty, he is exempt?*
 - C. *But this is exactly what we have at hand [at M. 3:14B]!*
 - D. *[It was, nonetheless, necessary to make the present rule explicit], for what might you have maintained [otherwise]? In that case [of the lulab] in which the man has made an error in carrying out a religious duty, he is exempt, because he was in process of performing a religious duty.*

- E. *But here [in the case of the error at the altar] while the man has erred in carrying out a religious duty, he himself was not doing a religious duty [in eating the fowl]. In such a case, then, I might have supposed that we do not invoke the principle [of M. 3:14B]. Accordingly, we are informed that that is not the case, [and we do invoke the cited principle].*
- F. *The following objection was raised: R. Yosé says, “He who on the Sabbath slaughters for the daily whole offering a beast that had not been properly examined [for blemishes] is liable to a sin-offering [for violating the Sabbath, since the beast that had not been examined may not be used for the daily whole-offering], and he also has to bring another beast for the daily whole-offering.” [This would contradict Huna’s thesis, since it shows that the priest has erred while carrying out a religious obligation and also has not performed his religious obligation, and he is indeed culpable. So the conditions that are proposed at B-C+D have been met.*
- G. *[Differentiating the case of the daily whole-offering], he said to him, “That case is excluded, for in that regard it has been stated on Amoraic authority:*
- H. *“‘Said R. Samuel bar Hattai said R. Hamnuna the Elder said R. Isaac bar Asian said R. Huna said Rab, “This is the rule in a case in which the priests brought the beast for the daily whole-offering from the corral of the beasts which had not yet been inspected for blemishes.’”” [Slotki, p. 190, n. 8: The man had no right at all to take an animal from an unexamined supply, and his act, therefore, is not a mistake committed when under the anxiety of performing a religious duty but almost a willful transgression.]*

M. 3:12 now is shown to serve as a prologue to the final unit of the chapter, since the taking of the lulab all seven days means that the prohibitions of the Sabbath must now be introduced. Taking the lulab on the first day of the festival coinciding with the Sabbath overrides the restrictions of the Sabbath (a concept made explicit at M. 4: 2). We now provide for that contingency. There is no need to carry the lulab to the synagogue; it is left there overnight. What can be done in advance must be (M. Shab. 19: 1). The explanation of the detail at B about finding one’s own lulab, C-D, is the first of several appended rules. Yosé’s, which is clear as stated and bears its own gloss, is the second. Unit I:1 provides a basis for M. 3:13C. Unit I:2 complements I:1M. Unit I:3 makes the same point. Unit II:1 goes on to M. 3:14A and solves a niggling problem.

3:15

- A. **A woman receives the lulab from her son or husband and puts it back into water on the Sabbath.**
- B. **R. Judah says, “(1) On the Sabbath they put it back into [the same water], (2) on the festival-day they add water, and (3) on the intermediate days of the festival they change the water.”**
- C. **A minor who knows how to wave the lulab is liable to the requirement of waving the lulab.**
- I.1** A. *[The rule of M. 3:15A] is self-evident [and did not have to be stated].*
- B. *[No, it had to be made explicit, for] what might you have said? Since a woman is not subject to the obligation [to carry the lulab], I might have said that she also*

should not receive it [on grounds of handling, on the Sabbath, an object that is useless to her (Slotki, p. 190, n. 10)].

- C. *So I am informed that that is not the case [and not only her husband, but she too may handle the lulab on the Sabbath, even though a woman is not obligated to carry out that religious duty].*

II.1 A. [A minor who knows how to wave the lulab is liable to the requirement of waving the lulab:] *It has been taught on Tannaite authority:*

- B. **A minor who knows how to shake an object is liable to observe the commandment of the lulab. If he knows how to cloak himself, he is liable for the commandment of show-fringes. If he knows how to speak, his father teaches him Torah and how to recite the Shema [T. Hag. 1:2D-F].**

C. *What, in this context, is the definition of Torah?*

D. Said R. Hamnuna, “‘Moses commanded the Torah to us, as an inheritance for the congregation of Jacob’ (Deu. 33: 4).”

E. *What in context is the definition of the Shema?*

F. The first verse thereof.

- G. **If a child knows how to keep his body cultically clean, people eat food prepared according to the rules of cultic cleanness relying upon the cleanness of his body. If he knows that how to keep his hands clean, people eat food prepared in conditions of cultic cleanness relying upon the cleanness of his hands.**

- H. **If he has intelligence to be consulted about his condition, a matter of doubt concerning him in private domain is resolved in favor of uncleanness, in the public domain, it is resolved in favor of cleanness [T. Toh. 3:10A-C, 3:9E].**

- I. **If a child [of priestly caste] knows how to spread his hands [and deliver the priestly benediction], they give him a share of the priestly offerings at harvest time.**

- J. **[42B] If a child knows how properly to slaughter a beast, people may eat meat from a beast that he has slaughtered [T. Hag. 1:2/0].**

K. Said R. Huna, “But that rule applies only if an adult is supervising him.”

- L. **If he knows how to eat an olive’s bulk of grain, they dispose of his excrement and urine at a distance of four cubits from a settlement [T. Hag. 1:2P].**

M. Said R. Hisda, “But that rule applies only to a minor who can eat such a volume of food in as much time as it takes to eat a piece half-loaf of bread.”

N. Said R. Hiyya, son of R. Yeba, “And in the case of an adult, even though he cannot eat that volume of food in as much time as it takes to eat a half-loaf of bread, [the same rule applies].

O. “For it is written, ‘He who increases knowledge increases sorrow’ (Qoh. 1:18). [Slotki, p. 192, n. 11: The older a man is, the more offensive his excrement.]”

- P. **If he can eat an olive’s bulk of roast meat, they include him in the slaughter of a Passover-sacrifice, as it is said, “According to the amount that every man eats” (Exo. 12: 4).**

- Q. **R. Judah says, “Under no circumstances do they slaughter a Passover-sacrifice on his account unless he knows how to distinguish good food from**

bad. How so? If they give him a stone, he throws it away, and if they give him a nut, he takes it” [T. Hag. 1:2P-T].

M. 3:15A permits the woman to handle the lulab on the Sabbath, even though she is not obligated to wave it. This triggers the addition of B and C, two further rules relevant to M. 3:15A, first, on changing the water, second, on who else is obligated to take up the lulab. Unit I:1 provides a minor clarification of M. 3:15A. Unit II:1 supplements the reference to the minor, M. 3:15C, with an extensive passage of Toseftan materials on the same theme, which are glossed.