

BACKGROUND

**Mehoza** – מְחוּזָא: Mehoza was a large commercial city on the Tigris River, and most of its inhabitants were Jews. Unlike most other Jewish communities, Mehoza's Jews generally earned their living from commerce. Jews from different countries lived in Mehoza, and many converts lived there as well. After Neharde'a was destroyed in 259 CE, its yeshiva moved to Mehoza. Mehoza became the Torah center of leading scholars such as Rav Nahman, Rav Sheshet, Rava, who later became head of the yeshiva in Mehoza, Ameimar; and Rav Kahana, who was Rav Ashi's teacher. After the death of Abaye (c. 338 CE), the yeshiva in Pumbedita, which was then headed by Rava, also moved to Mehoza for a period.



Fragment of an ancient Egyptian stela

Carrying pole – אַגָּרָא:



Segment of Trajan's Column, depicting a carrying pole held by two people

LANGUAGE

**Scarf [sudara]** – סוּדָרָא: From the Latin sudarium, meaning handkerchief, or the Greek σουδάριον, *soudarion*, meaning towel or scarf.

בְּעֵרְמַת הַתֶּבֶן, אֲבָל לֹא בְּעֵצִים  
שֶׁבְּמוֹקְצָה.

from the pile of straw, although he did not designate the pile for this purpose the day before; **but one may not** begin to take from the wood in the wood storage, a small yard behind the house where people store various items that they do not intend to use in the near future.

גַּמְ' תַּנָּא: אִם אֵי אֶפְשָׁר  
לְשַׁנוּת – מוֹתֵר.

**GEMARA** A *tanna* taught in a *baraita*: **If it is impossible to modify** the manner in which one carries a vessel, whether due to the vessel or due to time constraints, **it is permitted** to act in the typical weekday manner.

אֲתִקִּין רַבָּא בְּמַחוּזָא: דְּדָרוּ  
בְּדוּחָקָא – לְדָרוּ בְּרַגְלָא, דְּדָרוּ  
בְּרַגְלָא – לְדָרוּ בְּאַגְרָא, דְּדָרוּ  
בְּאַגְרָא לְדָרוּ בְּאַכְפָּא, דְּדָרוּ  
בְּאַכְפָּא – נְמוּס סוּדָרָא עֲלוּיָהּ,  
וְאִם לֹא אֶפְשָׁר – שְׂרִי. דְּאָמַר  
מַר: אִם אֵי אֶפְשָׁר לְשַׁנוּת –  
מוֹתֵר.

The Gemara relates that **Rava instituted** the following in his city, **Mehoza**:<sup>BN</sup> **One who usually carries his burden with difficulty** on a weekday **should** modify his habit on a Festival and **carry it on a pitchfork**. **One who usually carries it on a pitchfork should carry it on a carrying pole<sup>B</sup>** held by two people on their shoulders. **One who carries it on a carrying pole held by two people on their shoulders should carry it on a carrying pole in his hands**, although he is not thereby making it easier for himself. **One who carries burdens on a carrying pole in his hands should spread a scarf [sudara]<sup>LN</sup> over it. And if it is not possible<sup>N</sup> to make these modifications due to time constraints, it is permitted** to proceed in the usual manner, as the Master said above: **If it is impossible to modify, it is permitted.**

NOTES

**Rava instituted in Mehoza, etc.** – אֲתִקִּין רַבָּא בְּמַחוּזָא וכו' – Although these modifications are not mentioned in the mishna, it is possible that the mishna mentioned only one example of a modification and did not specify all the possible adjustments. Alternatively, if one can make the modification stated in the mishna, it is sufficient, and he need not make any further adjustment (*Kehal Yeuda*).  
**Should spread a scarf** – נְמוּס סוּדָרָא: This is a sign of

modesty. One version of the Gemara inserts a comment to this effect into the text. It shows that one is ashamed and does not wish to publicize the fact that he is carrying items on a Festival (*Meiri*).  
**And if it is not possible** – וְאִם לֹא אֶפְשָׁר: Alternatively, it is not possible to make these modifications because one fears the scarf might become wet, as stated later in the Gemara's discussion (see Rashi; *Shitta Mekubbetzet*; *Meiri*).

**Jug – חצבא:** This jug is an extremely large earthenware vessel that served various functions. It was sometimes used as a bucket for drawing water, or for storing liquids, or for general storage purposes.



Ancient jug

#### HALAKHA

**Modifying the manner of carrying a burden – שינוי במשא:** Burdens that are usually carried on a pole should be borne on one's back on a Festival; items normally carried on one's back should be placed on the shoulders; while objects generally carried on the shoulders should be placed in front of the carrier or covered with a garment. If it is not possible to make these adjustments due to time constraints, one may act in the regular manner, in accordance with the opinion of Rava. These rulings apply to a burden carried by a person; one may not carry a load on an animal in any fashion (*Shulhan Arukh, Orach Hayyim 510:10*).

אמר ליה רב חנן בר רבא לרב אשי: אמור רבנן כמה דאפשר לשנויי משמינן ביומא טבא. והא הני נשי דקא מליין חצבייהו מיא ביומא טבא, ולא קא משנויי, ולא אמרינן להו ולא מידי?

Rav Ḥanan bar Rava said to Rav Ashi: **The Sages said: As much as it is possible to modify the weekday manner, one should modify on a Festival.** A question was asked of Rav Ashi: **But don't those women fill their jugs<sup>b</sup> with water on a Festival without modifying, and we say nothing to them by way of protest; why do we not instruct them to alter their usual manner?**

אמר ליה: משום דלא אפשר; היכא ליעבד? דמליא בחצבא רבה תמלי בחצבא ווטא – קא מפשא בהלוכא;

**He said to him: It is because it is not possible for them to fill their jugs any other way. How should they act? She who is accustomed to filling a large jug, should she instead fill a small jug?<sup>n</sup> Won't this mean that she increases her walking,** since she has to make more than one trip to bring home more than one jug, and she will thereby perform unnecessary labor on the Festival?

דמליא בחצבא ווטא תמלי בחצבא רבה – קא מפשי במשוי, תכסייה בנכתמא – זמנין דנפיל ואתי לאתויי, תקטריה – זמנין דמפסיק ואתי למקטריה, תפרוס סודרא עלויה – זמנין דמטמיש במיא, ואתי לידי סחיטה. הלכך לא אפשר.

If one were to suggest the opposite, **that one who fills a small jug should fill a large jug,** won't this mean that she increases her load? Furthermore, if one were to suggest that she should cover the jug with a wooden cover, sometimes it falls<sup>n</sup> and she might come to bring it by hand, in the manner of a burden. **Should she tie the cover to the jug,** the rope might occasionally break, and she might come to tie it, a prohibited labor. Finally, **should she spread a scarf over it,** it occasionally falls off and becomes soaked in water,<sup>n</sup> and she might come to transgress the prohibition against squeezing. **Therefore, it is not possible to make a modification, and those women may act in the regular manner.<sup>h</sup>**

אמר ליה רבא בר רב חנן לאביי: תנן, אין מטפחין ואין מספקין ואין מרקדין, והאידנא דקא חזינן דעבדן הכי, ולא אמרינן להו ולא מידי?

Rava bar Rav Ḥanan said to Abaye: **We learned in a mishna: The Rabbis decreed that one may not clap, nor strike<sup>n</sup> a hand on his thigh, nor dance on a Festival, lest he come to repair musical instruments. But nowadays we see that women do so, and yet we do not say anything to them.**

#### NOTES

**A large jug and a small jug – חצבא רבה וחצבא ווטא:** *Tosafot* point out that increasing walking is not considered a full-fledged additional labor. However, there is an apparent contradiction, as the Gemara does not appear to be concerned about the amount of walking involved. It therefore seems that the critical factor is modifying the way in which one walks from the weekday manner. In this case, whether one uses a large or a small jug, passersby will view it as a weekday activity. Consequently, the Sages were not concerned with the increase or decrease in the distance one walks. Some say that the permission to increase one's walking applies only inside one's house but not in public (see Rabbi Aaron HaLevi; *Shitta Mekubbetzet*).

**With a wooden cover, sometimes it falls – בנכתמא זמנין דנפיל:** The early authorities question this statement, as even if the woman were to carry the cover, this is a permitted act on a Festival. Consequently, they explained that the concern is that the earthenware cover might fall and break, leading her to carry the pieces, which are certainly *muktze* and may not be handled (Rabbi Aaron HaLevi; see Maharam).

**זמנין דמיטמיש – ימנין דמיטמיש:** It occasionally becomes soaked in water – *Tosafot* address the apparent contradiction between this statement and the ruling stated earlier that one should cover the object with a scarf. In addition to the answers suggested by *Tosafot*, some say that the earlier discussion deals with a vessel that contains fruit, in which case there is no concern that one might wring out the scarf (Rabbi Aharon HaLevi). Alternatively, it may be referring to a scarf that one does not mind if it is wet. Alternatively, the Gemara may be speaking of a situation where two people are carrying the barrel together, in which case they will certainly remind each other that it is prohibited to wring out the scarf (*Ra'avad*).

**Clap and strike [mesappekin] – מטפחין ומספקין:** The authorities dispute the meaning of these terms. Rashi himself suggests several explanations. Some cite a biblical proof that *mesappekin* means clapping hands (Jerusalem Talmud; Rashba; *Shitta Mekubbetzet*). The Rambam, in his Commentary on the Mishna, explains that it means the striking of a cymbal.

And he will come to carry it four cubits – וְאֵתִי לְאַתּוּנִי אַרְבַּע – אַמּוֹת: Some versions of the text, including the text that Rashi had before him, read only: And he will come to carry it. Rabbi Aaron HaLevi, whose text reads as the Gemara above, explains that the Gemara merely uses a common expression. According to Rashi's version of the text the concern is only with regard to carrying objects from the public domain to the alleyway, which has the status of a private domain; this is prohibited by Torah law. At this stage of the discussion the Gemara assumes that there is a distinction between Torah prohibitions and rabbinic prohibitions. Nevertheless, since these women do not intend from the outset to carry their jugs or transfer them from one domain to another, they do not transgress a Torah prohibition, as the item is not uprooted with the intention of carrying it in a prohibited manner (*Shitta Mekubbetzet*).

**The extension of Yom Kippur – תּוֹסֵפֶת יוֹם הַכִּפּוּרִים**: The early and later authorities discuss this issue at length. *Tosafot* write that it is unclear how much time must be added. Some early authorities hold that one must add at least half an hour. The Ran writes that, according to the opinion that holds that the requirement to be stringent in a case of uncertainty with regard to Torah law is itself only a rabbinic decree, observing the *halakhot* of Yom Kippur during twilight is by rabbinic law. Certainly any time added beyond that is by rabbinic law, although the Sages found biblical support for it (see *Hatam Sofer*).

אָמַר לִיָּהּ: וְלִטְעַמְךָ, הָאֵל דְּאָמַר (רְבָא):  
לֹא לִיְהִיב אֵינִישׁ אֶפּוֹמָא דְלַחֲיָא דְלִמָּא  
מִגְנֵדָר לִיָּהּ חֲפֵץ וְאֵתִי לְאַתּוּנִי (אַרְבַּע  
אַמּוֹת בְּרִשּׁוֹת הָרַבִּים), וְהָאֵל הִנֵּי נָשִׁי  
דְּשָׁקְלוֹן חֲצַבְיָהּ וְאֶזְלוֹן וְיִתְבֵּן אֶפּוֹמָא  
דְּמִבּוֹאָה, וְלֹא אָמְרִינָן לָהּ וְלֹא מִיָּדֵי?

אֵלָּא, הִנֵּחַ לָהֶם לְיִשְׂרָאֵל, מוֹטֵב שְׂיָהּוּ  
שׁוֹגְגִין וְאֵל יִהְיוּ מִיָּדֵי. הֲכֵא נָמִי – הִנֵּחַ  
לָהֶם לְיִשְׂרָאֵל, מוֹטֵב שְׂיָהּוּ שׁוֹגְגִין וְאֵל  
יִהְיוּ מִיָּדֵי.

וְהִנֵּי מִיָּלִי – בְּדַרְבְּנָן, אֲבָל בְּדַאֲרֵייתָא –  
לֹא. וְלֹא הִיא, לֹא שְׁנָא בְּדַאֲרֵייתָא וְלֹא  
שְׁנָא בְּדַרְבְּנָן לֹא אָמְרִינָן לָהּ וְלֹא מִיָּדֵי,  
דְּהָא תּוֹסֵפֶת יוֹם הַכִּפּוּרִים דְּאֲרֵייתָא  
הִיא, וְאֲכָלִי וְשָׂתוּ עַד שְׁחֻשְׁכָּה וְלֹא  
אָמְרִינָן לָהּ וְלֹא מִיָּדֵי.

“וּמִתְחִילִין בְּעֶרְמַת הַתְּבָן.” אָמַר רַב  
כְּהֵנָּא: זֹאת אוֹמֶרֶת מִתְחִילִין בְּאוֹצָר  
תְּחִלָּה. מִנֵּי – רַבִּי שְׁמַעוֹן הִיא, דְּלִית  
לִיָּהּ מוֹקֶצֶה.

He said to him: And according to your reasoning, how do you explain that which Rava said: A person should not sit at the entrance to an alleyway, next to the side post that has been placed at the edge of an alleyway in order for it to be considered a private domain, as perhaps an object will roll away from him and he will come to carry it four cubits<sup>N</sup> in the public domain, thereby transgressing a biblical prohibition? But don't these women take their jugs, and go, and sit at the entrance to an alleyway,<sup>H</sup> and we do not say anything to them?

Rather, the accepted principle is: Leave the Jews alone; it is better that they be unwitting sinners and not be intentional sinners.<sup>H</sup> If people engage in a certain behavior that cannot be corrected, it is better not to reprove them, as they are likely to continue regardless of the reproof, and then they will be sinning intentionally. It is therefore preferable for them to be unaware that they are violating a prohibition and remain merely unwitting sinners. Here, too, with regard to clapping and dancing, leave the Jews alone; it is better that they be unwitting sinners and not be intentional sinners.

The Gemara comments: There were those who understood that this principle applies only to rabbinic prohibitions but not to Torah prohibitions, with regard to which the transgressors must be reprimanded. However, this is not so; it is no different whether the prohibition is by Torah law or whether it is by rabbinic law, we do not say anything to them. For example, on the eve of Yom Kippur, there is an obligation that one begin the fast while it is still day, before sunset, as the extension of Yom Kippur.<sup>N</sup> During this time, one must observe all the *halakhot*. This mitzva of extending Yom Kippur is by Torah law, and yet people eat and drink until darkness falls but we do not say anything to them, as we know they will pay no attention.

It is taught in the mishna: And one may begin taking straw from the pile of straw. Rav Kahana said: That is to say that one may begin removing items from a storeroom on a Festival *ab initio*. Although the items in this storeroom are designated for other purposes, it is not assumed that one put them out of his mind. If so, in accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Shimon, who is not of the opinion that there is a prohibition of set-aside [*muktze*]. According to him, on Shabbat and Festivals it is not prohibited to handle items that one has removed from his mind.

## HALAKHA

**Sitting at the entrance to an alleyway – יְשִׁיבָה בְּפֶתַח הַמְּבֹי**: It is prohibited to sit at the entrance to an alleyway lest an object fall out of one's hand into the public domain and he go to bring it back. Since the entrance is not marked, it is easy to forget and accidentally transfer an object from the public domain to the alleyway. Conversely, it is permitted to sit at the entrance to a courtyard, even one that opens into a public domain, because it is marked as such (*Shulhan Arukh, Oraḥ Ḥayyim 365:5*).

**That they be unwitting sinners and not be intentional sinners – שְׂיָהּוּ שׁוֹגְגִין וְאֵל יִהְיוּ מִיָּדֵי**: If one knows of ignorant people who are unaware of the mitzva to add from the week-day to the sacred day and therefore eat and drink on Yom

Kippur eve until nightfall, one should not reprove them, so that they will not continue to do so intentionally. This applies only if one is certain that they will not accept his admonition (*Magen Avraham*, citing Rosh). This principle, that it is better that they be unwitting sinners and not be intentional sinners, applies to all Torah prohibitions that are not stated explicitly in the Torah, even if the *halakha* considers them prohibited by Torah law. However, one must rebuke others for violating prohibitions clearly stated in the Torah itself. The *halakhot* of rebuking, i.e., whom one ought to rebuke and whom he should not, as well as the proper manner in which to rebuke each person, depend on the particular generation and the person in question (*Shulhan Arukh, Oraḥ Ḥayyim 608:2*).

אימא סיפא: אבל לא בעצים שבמוקצה - אתאן לרבי יהודה, דאית ליה מוקצה. הךא בארזי ואשוחי עסקינן, דמוקצה מחמת חסרון כים, ואפילו רבי שמעון מודה.

The Gemara challenges: **Say the latter clause** of the same mishna as follows: **But not wood in the wood storage.** If so, we have come to the opinion of **Rabbi Yehuda, who is** of the opinion that there is a prohibition of *muktze*. The Gemara answers: **Here, we are dealing with wood of cedars and firs,**<sup>b</sup> which are expensive and used only in the construction of important buildings, not for kindling; the wood storage is therefore considered *muktze* due to potential monetary loss. With regard to an item that one removes from his mind due to the financial loss he might suffer were he to use it, but not due to any prohibition involved, **even Rabbi Shimon concedes** that it may not be handled due to the prohibition of *muktze*.

איבא דמתני לה אסיפא: אבל לא בעצים שבמוקצה. אמר רב כהנא: זאת אומרת אין מתחילין באוצר תחלה. מני - רבי יהודה היא, דאית ליה מוקצה אימא רישא: מתחילין בערמת התבן - אתאן לרבי שמעון, דלית ליה מוקצה. הךא בתבנא סריא.

**There are those who taught** the statement of Rav Kahana as referring to the **latter clause** of the mishna, as follows: **But not wood from the wood storage area.** **Rav Kahana said: That is to say that one may not begin** removing items from a storeroom *ab initio*.<sup>h</sup> If so, in accordance with **whose opinion** is the mishna? **It is in** accordance with the opinion of **Rabbi Yehuda, who is** maintains that there is a prohibition of *muktze*. The Gemara challenges: **Say the first clause** of the mishna, which states that **one may begin** taking from the pile of straw.<sup>h</sup> If so, we have come to the opinion of **Rabbi Shimon, who is not** of the opinion that there is a prohibition of *muktze*. The Gemara answers: **There, in the first clause** of the mishna, it is dealing with **straw that has rotted and become rancid.** Since it is no longer fit as animal fodder, even Rabbi Yehuda concedes that it will be used for kindling and is not *muktze*.

תבנא סריא, הא חזי לטינא. דאית ביה קוצים.

The Gemara asks: **Isn't rancid straw fit for clay** in the making of bricks; why can one assume that it will be used as fuel? The Gemara answers: The mishna is referring to straw **that has thorns,**<sup>n</sup> which cannot be kneaded into clay. It will certainly be used only for kindling.

One may not begin removing items from a storeroom *ab initio* - אין מתחילין באוצר תחלה: Although it is permitted to take items from a storeroom of produce or wine, one may not remove items from it for the first time on a Shabbat or a Festival unless it is for the purpose of a mitzva, e.g., for the sake of distinguished guests, or to clear a space for studying Torah. One should not empty out the entire store lest he level holes in the floor of the cleared space. If one began to remove objects the day before, he may remove them all on Shabbat, even if it is not for the purpose of a mitzva (*Magen Avraham; Shulhan Arukh, Orach Hayyim 333:1*).

One may begin taking from the pile of straw - מתחילין: It is permitted to kindle a fire with straw from a pile if it is rotten or has thorns to the extent that is unfit for use as animal fodder. If it is merely damp, it is prohibited. With regard to straw designated for animal fodder, if it is not placed in storage, one may use it for kindling as well. Any straw or wood that was initially prepared for use at a much later time may not be used or kindled on a Festival, as one has removed it from his mind (*Shulhan Arukh HaRav; Shulhan Arukh, Orach Hayyim 518:7*).

NOTES

That has thorns - דאית ביה קוצים: The Rambam writes that straw with thorns is fit neither for animal fodder nor for kneading into bricks, and therefore there is no need to explain that the straw with thorns is also rancid (*Rishon LeTziyyon*).

BACKGROUND

Firs [*ashuheil*] - אשוחי: The *ashuah* appears to be a species of *Abies*, firs, as identified by the *ge'onim*. These are conifers from the Pinaceae family. They are forest trees native to the northern hemisphere. They grow very tall in a conical shape, with leaves in the shape of short, chisel-like needles. Certain types of firs are very important in industry, both for their wood and as raw material used in the production of turpentine.



Above: Cones and leaves of the Korean fir



Right: Korean fir

NOTES

One may not take wood, etc. – אין נוטלין עצים וכו' – In essence, this *halakha* applies to a *sukka* of the Festival as well, according to all opinions (see Rabbi Ovadya Bartenura). The Gemara, however, explains that this *halakha* is referring to regular *sukkot*, huts used throughout the year. Although the mishna can be explained in a straightforward manner if it is understood as referring to the *sukka* of the Festival, it is more likely that the *halakha* pertains to all Festivals, since it appears in tractate *Beitza* rather than in tractate *Sukka* (*Tziyyun LeNefesh Hayya*).

One dismantles a tent – קא סתר אהלא – The author of the *Penei Yehoshua* asks: Since this dismantling is not performed for the sake of construction, it is not prohibited by Torah law but rather by rabbinic decree. Why, then, is it not permitted on the Festival, as the joy of the Festival can override a rabbinic decree? The *Hatam Sofer* explains that if one removes part of the walls or thins out the roof, this dismantling thereby also constitutes an act of repairing. The *Hatam Sofer* further states that even if a *sukka* of mitzva is unstable, it is considered a building in all respects, since it can still be used for a mitzva, and therefore it may not be dismantled.

Bundles – אסורייטא – This is referring either to bundles placed on the roofing of the *sukka* (Rashi; Rabbi Aaron HaLevi), or to bundles placed alongside the walls (Rabbeinu Hananel). Some suggest that this depends on whether or not Shmuel and Rav Menashya are in disagreement (see Rambam and *Beit Yosef*), as well as the question of whether an item that is merely placed, and not attached, on top of the *sukka* roofing is considered nullified (see *Rishon LeTziyyon*).

מתני' אין נוטלין עצים מן הסוכה, אלא מן הסמוך לה.

גמ' מאי שנא מן הסוכה דלא – דקא סתר אהלא. מן הסמוך לה – גמי קא סתר אהלא.

אמר רב יהודה אמר שמואל: מאי סמוך – סמוך לדפנות. רב מנשיא אמר: אפילו תימא בשאין סמוך לדפנות, כי תניא ההיא – באסורייטא.

תניא רבי חייא בר יוסף קמיה דרבי יוחנן: אין נוטלין עצים מן הסוכה אלא מן הסמוך לה, ורבי שמעון מתיר. ושון בסוכת החג בחג שאסורה, ואם התנה עליה – הכל לפי תנאו.

ורבי שמעון מתיר? והא קא סתר אהלא! אמר רב נחמן בר יצחק: הכא בסוכה נופלת עסקינן, ורבי שמעון לטעמיה, דלית ליה מוקצה. דתניא: מותר השמן שבנר ושבקערה – אסור, ורבי שמעון מתיר.

**MISHNA** One may not take wood from a *sukka* on any Festival, not only on the festival of *Sukkot*,<sup>N</sup> because this is considered dismantling, but one may take from near it.

**GEMARA** The Gemara poses a question with regard to the mishna: In what way is this case different? Why did the mishna teach that from the *sukka* itself one may not remove wood? It is because one thereby dismantles a tent,<sup>N</sup> which is a prohibited labor. But if so, if one takes wood from near it, too, doesn't he thereby dismantle a tent? Why, then, does the mishna permit him to do so?

Rav Yehuda said that Shmuel said: What is the meaning of: Near it? It means near the walls. Wood placed near the walls may be removed because it is not part of the *sukka* itself; the walls themselves may not be removed.<sup>H</sup> Rav Menashya said: Even if you say that it is referring to a case where the wood is not near the walls but is part of the roof of the *sukka* itself, when that *baraita* was taught, it was with regard to bundles<sup>N</sup> of reeds that are not considered part of the roof of the *sukka*, as they have not been untied. Therefore, one may remove them.

Rabbi Hiyya bar Yosef taught the following *baraita* before Rabbi Yohanan: One may not take wood from the *sukka* itself but only from the nearby wood. And Rabbi Shimon permits one to take wood from the *sukka* as well. And all agree, even Rabbi Shimon, that with regard to the *sukka* that was built for the festival of *Sukkot*, during the Festival it is prohibited to remove wood from it.<sup>H</sup> But if at the outset one stipulated a condition with regard to it allowing him to use it for other purposes, it is all according to his stipulation.

The Gemara questions this *baraita*: And does Rabbi Shimon permit one to take wood from the *sukka* itself? But isn't one dismantling a tent, which is a prohibited labor? The Gemara answers that Rav Nahman bar Yitzhak said: Here, we are dealing with a *sukka* that has already collapsed. Therefore, the only potential concern is *muktze*, not dismantling. And Rabbi Shimon conforms to his standard line of reasoning, as he is not of the opinion that there is a prohibition of *muktze*, as it is taught in a *baraita*: If a wick in oil was lit before Shabbat, and it went out on Shabbat, the remainder of the oil in a lamp<sup>H</sup> or in a bowl is prohibited for use, as it is *muktze*. And Rabbi Shimon permits one to use it. Consequently, Rabbi Shimon also permits one to take wood from the *sukka*.

HALAKHA

One may not take wood – אין נוטלים עצים – It is prohibited to remove wood from the walls or roof of any temporary hut on a Festival. However, one may take wood positioned near but not attached to the walls of the *sukka*, in accordance with the opinion of Shmuel. The Rema holds that one may also use bundles of reeds that have been temporarily placed on the roof, as stated by Rav Menashya (*Shulhan Arukh, Oraḥ Hayyim* 518:8).

A Festival *sukka* on the Festival – סוכת החג בחג – It is prohibited to make use of the wood from the roof or walls of a Festival *sukka*. This *halakha* applies throughout the entire festival of *Sukkot*, including the Eighth Day of Assembly and *Simḥat Torah*. The wood takes on the status of *muktze* at twilight on the eve of the Festival. Even if the *sukka* collapses, it may not be used, and a condition allowing one to use the wood for other purposes is ineffective in this case (Rema, citing *Tur*).

However, one may take wood that is positioned alongside the *sukka* walls, as well as bundles thrown on the roof, which do

not serve as roofing, unless they were initially constructed inside the *sukka* (*Yam Shel Shlomo; Magen Avraham*). This prohibition applies to all the walls if they were built together. However, if one's *sukka* originally consisted of the minimal two walls and a small third wall, any wall added later is not prohibited (Ran; see *Tosafot*). This *halakha* applies only to a *sukka* that one has used at some point during the Festival; if one merely prepared a *sukka* for the mitzva but has not yet used it, it is not prohibited (*Shulhan Arukh, Oraḥ Hayyim* 638:1, and in the comment of the Rema).

The remainder of the oil in a lamp – מותר השמן שבנר – The remaining oil from a lamp that has been used on that Shabbat, and similarly, the remainder of a wax lamp or a wick (*Shulhan Arukh HaRav*), may not be used or handled even after the lamp has gone out. This ruling is in accordance with the opinion of the Rabbis, who disagree with Rabbi Shimon (*Shulhan Arukh, Oraḥ Hayyim* 279:1).

מִי דְמִי? הֲתָם – אָדָם יוֹשֵׁב וּמְצַפֶּה  
אִמְתִּי תִכְבֶּה נֵרוֹ, הֲכֵא – אָדָם יוֹשֵׁב  
וּמְצַפֶּה אִמְתִּי תִפּוֹל סוּכָתוֹ?

אָמַר רַב נַחֲמָן בַּר יִצְחָק: הֲכֵא בְּסוּכָה  
רְעוּעָה עֲסָקִינוּ, דְּמֵאֲתָמוּל דְּעֵתֵיהּ  
עֲלוּיָהּ.

”וְשׂוּיָן בְּסוּכַת הַחַג בְּחַג שְׁהֵיא אֲסוּרָה,  
וְאִם הִתְנָה עָלֶיהָ הִכַּל לְפִי תִנְאוּ.” וּמִי  
מִהֵנִי בְּהַ תִּנְאוּ?

וְהָאֵמַר רַב שֶׁשֶׁת מְשׁוּם רַבִּי עֲקִיבָא:  
מִנֵּי לְעֵצֵי סוּכָה שְׁאֲסוּרִין כָּל שִׁבְעָה –  
שְׁנָאֵמַר ”חַג הַסּוּכוֹת שִׁבְעַת יָמִים לָהּ”,  
וְתִנְאוּ, רַבִּי יְהוּדָה בֶּן בֶּתְרִיא אָמַר: מִנֵּי  
שִׁבְשֵׁם שִׁחַל שָׁם שְׁמַיִם עַל הַחֲגִיגָה  
כִּךְ חָל שָׁם שְׁמַיִם עַל הַסּוּכָה – תִּלְמוּד  
לוֹמַר ”חַג הַסּוּכוֹת שִׁבְעַת יָמִים לָהּ”  
מִה חַג לָהּ – אֵף סוּכָה לָהּ.

אָמַר רַב מְנַשְׁיָא בְּרִיהַ דְּרַבָּא: סִיפָא  
אֲתָאן לְסוּכָה דְּעִלְמָא. אֲבָל סוּכָה  
דְּמַצְוָה – לֹא מִהֵנִי בְּהַ תִּנְאוּ.

וְסוּכָה דְּמַצְוָה לֹא? וְהִתְנָא: סִכְכָּה  
בְּהַלְכָתָהּ, וְעֵטְרָה בְּקִרְמִים וּבְסָדִינִין  
הַמְצוּיִין, וְתֵלָה בְּהַ אֲגוּזִים, שְׁקָדִים,  
אֲפְרִסְקִים, וְרִמּוֹנִים, וּפְרִכְלֵי עֲנָבִים,  
יִינּוֹת, שְׁמִנִים, וְסִלְתוֹת, וְעֵטְרוֹת  
שִׁבְלִים – אֲסוּר לְהַסְתִּיף מִזֵּן עַד  
מוֹצָאֵי יוֹם טוֹב הָאֲחֵרוֹן שֶׁל חַג. וְאִם  
הִתְנָה עֲלֵיהֶם – הִכַּל לְפִי תִנְאוּ!

אֲבֵי וְרַבָּא דְאָמְרֵי תְרוּיָהוּ: בְּאֹמַר  
”אִינִי בּוֹדֵל מֵהֶם כָּל בֵּין הַשְּׁמֻשׁוֹת”,  
דְּלֹא תֵלָה קְדוּשָׁה עֲלֵיהֶם. אֲבָל עֲצֵי  
סוּכָה דְחֵלָה קְדוּשָׁה עֲלֵיהֶם – אֲתִקְצָא  
לְשִׁבְעָה.

The Gemara rejects this claim: Is it comparable? There, in the case of oil in a lamp, a person sits and anticipates<sup>N</sup> when his lamp will be extinguished. It is clear to him that it will be extinguished, and he can safely assume that a certain amount of oil will remain in the lamp or the bowl. Here, however, can it be said that a person sits and anticipates when his *sukka* will fall? He cannot know ahead of time that his *sukka* will collapse.

Rav Nahman bar Yitzhak said: Here, we are dealing with a *sukka* that is not sturdy,<sup>N</sup> as from yesterday, the Festival eve, one already had his mind on it. He thought it might collapse, and therefore he did not remove the possibility of using its wood from his mind.

§ The above *baraita* states: All agree with regard to the *sukka* that was built for the festival of *Sukkot*, that during the Festival it is prohibited to remove wood from it, but if one stipulated a condition with regard to it, it is all according to his condition. The Gemara asks: And is a condition effective with regard to it?

But didn't Rav Sheshet say in the name of Rabbi Akiva: From where is it derived that the wood of a *sukka* is prohibited to be used for any other use all seven days of the Festival? It is as it is stated: “The festival of *Sukkot* to the Lord,<sup>N</sup> seven days” (Leviticus 23:34). And it is taught in a different *baraita* in explanation of this that Rabbi Yehuda ben Beteira says: From where is it derived that just as the name of Heaven takes effect upon the Festival peace-offering, so too, does the name of Heaven take effect upon the *sukka*? The verse states: “The festival of *Sukkot* to the Lord, seven days” (Leviticus 23:34), from which it is learned: Just as the Festival offering is consecrated to the Lord, so too, the *sukka* is consecrated to the Lord. Since the wood of the *sukka* is compared to consecrated objects, how may one stipulate a condition with regard to it?

Rav Menashya, son of Rava, said: In the latter clause, where the stipulation is mentioned, we have arrived at the case of a regular *sukka*, a hut used throughout the year, not specifically for the Festival. With regard to such a *sukka*, one may stipulate to use the wood as he wishes; but as for a *sukka* of mitzva, used for the Festival, a condition is not effective with regard to it.

The Gemara asks a question from a different angle: And is a condition not effective for a *sukka* of mitzva? But isn't it taught in the *Tosefta*: In the case of a *sukka* that one roofed in accordance with its *halakha*, and decorated it with embroidered clothes and with patterned sheets, and hung on it nuts, almonds, peaches, pomegranates, and vines [*parkilei*],<sup>L</sup> of grapes and glass containers filled with wine, oil, and flour, and wreaths of ears of corn for decoration, it is prohibited to derive benefit from any of these until the conclusion of the last Festival day. But if one stipulated a condition with regard to them whereby he allows himself to use them, it is all according to his condition.<sup>H</sup> This shows that conditions are effective even with regard to a *sukka* of mitzva.

The Gemara answers based on the opinion of Abaye and Rava, who both say that this is referring to a case where one says: I am not removing myself from them throughout twilight. In other words, he announces from the outset that he will not set them aside as *sukka* decorations, but rather he will use them for other purposes as well. In that case, no sanctity devolves upon them at all, and he may therefore use them throughout the Festival. However, as for the actual wood of a *sukka*,<sup>N</sup> sanctity devolves upon it through the very construction of the *sukka*, and it has therefore been set aside from use for the entire seven days.

הֲתָם אָדָם יוֹשֵׁב – וְאִם יוֹשֵׁב וּמְצַפֶּה וְכוּ: This proves that even Rabbi Shimon accepts that certain items are *muktze* due to a prohibition. Some early authorities are puzzled by this, as elsewhere in the Gemara Rabbi Shimon's words appear to indicate that the laws of *muktze* apply even if one knows ahead of time that the item will become available (see *Meir*). One answer is based on the Gemara's phrase: Sit and wait. This does not mean that one has knowledge that the lamp will be extinguished; rather, he desires that the lamp will be extinguished. In cases where one desires the outcome, Rabbi Shimon does not consider the item to be *muktze*. However, with regard to a *sukka* and similar items, which one desires to keep intact, one certainly does not sit and wait for them to collapse and become useful for other purposes (*Bigdei Yom Tov*).

Here we are dealing with a *sukka* that is not sturdy – הֲכֵא: According to the Rabbis, the wood of the *sukka* remains prohibited and is considered *muktze* unless one explicitly stipulates a condition, allowing him to use it should the *sukka* collapse. Rabbi Shimon, however, holds that one's consideration of the possibility that the *sukka* might fall constitutes a condition (Ramban; Rabbi Aaron HaLevi). The early authorities dispute the issue itself and discuss whether a condition is effective for a *sukka* before it collapses or only for one that has already fallen. There are many opinions with regard to this issue (see Rabbi Zerahya HaLevi, Rashba, Ra'avad, and *Beit Yosef*).

חַג הַסּוּכוֹת... לָהּ: It appears that Rabbi Yehuda ben Beteira does not accept Rabbi Akiva's position; rather, he holds that phrase: “The festival of *Sukkot* to the Lord” implies only that one must reside in a *sukka* for the sake of Heaven. He therefore requires the analogy to the Festival sacrifice (Rabbi Aharon HaLevi; Rashba).

נוֹי מִצְוָה, עֲצֵי – סוּכָה: According to the conclusion of the Gemara, there is a distinction between the two prohibitions: *Sukka* wood retains a certain sanctity as long as the mitzva to reside in a *sukka* applies; *sukka* decorations are not prohibited for this reason but because their use for a different purpose would show disrespect to the mitzva of *sukka*. Since they are not prohibited for use by Torah law, a condition is effective in these cases (Rabbi Aharon HaLevi).

## LANGUAGE

Vines [*parkilei*] – פְּרִכְלֵי: This word is of uncertain origin. It may be related to the Greek φραγέλλιον, *fragellion*, which is also apparently a borrowed term meaning branch or twig. The *geonim* write that this term refers specifically to a grapevine upon which a cluster of grapes is hanging.

## HALAKHA

*Sukka* decorations – נוֹי סוּכָה: Throughout *Sukkot*, it is prohibited to derive benefit from food, drink, or other items hung in a *sukka* for decoration, nor may they be handled on a Festival or Shabbat. If one stipulated a condition when he hung them to the effect that he is not setting them aside from use throughout twilight, he may benefit from them throughout the Festival. If, however, he said: I am stipulating a condition that I may eat them if they fall, the condition is ineffective, and they remain prohibited. Some write that the custom nowadays is not to make a condition (Rema, based on Maharil). These rulings apply to decorations hanging from the roofing of the *sukka*. However, it is customary to handle decorations attached to the walls even if one had not previously stipulated a condition. This practice relies on the view that the *sukka* walls themselves are not prohibited according to the letter of the law. Nevertheless, it is preferable to make a condition (*Shulhan Arukh, Oraḥ Hayyim* 638:2, and in the comment of Rema).

HALAKHA

Separated seven *etrogim* – הפריש שבועה אֶתְרוּגִים: If one separated seven *etrogim* with the intention of fulfilling his obligation with a different one each day, it is permitted to eat each *etrog* after the day on which he used it has passed; he may not eat it on the same day it is used. This ruling is in accordance with the opinion of Rav Asi (*Shulhan Arukh, Orah Hayyim* 665:2).

NOTES

The distinction between a *sukka* and an *etrog* – שוּנָה: Since the Torah connects the four species to the mitzva of a *sukka*, one might have thought that an *etrog* should also be prohibited for all other uses all seven days, as is a *sukka* (Rabbi Aharon HaLevi).

Nights are divided – מְפָסְקוּ לַיְלוֹת: This reasoning appears relevant only according to the opinion of Rav Asi but not according to that of Rav, who permits one to eat the *etrog* immediately. It is possible to explain that the fact that the *etrog* does not retain its sanctity the following day shows that it was sanctified only for that day. It is for this reason that its sanctity expires once one has fulfilled his obligation with it. With regard to a *sukka*, however, its mitzva continues all day and through the nights as well (*Bigdei Yom Tov*).

וּמֵאֵי שָׁנָא מְהֵא, דְּאִתְמַר: הַפְּרִישׁ שְׁבֻעָה אֶתְרוּגִים לְשִׁבְעַת הַיָּמִים, אָמַר רַב: כָּל אַחַת וְאַחַת יוֹצֵא בָּהּ וְאוֹכְלָהּ לְאֵלְתֵּר, וְרַב אֲסִי אָמַר: כָּל אַחַת יוֹצֵא בָּהּ וְאוֹכְלָהּ לְמָחָר.

הַתָּם דְּמִפְסְקוּ לַיְלוֹת מֵיָמִים – כָּל חַד וְחַד יוֹמָא מְצוּהָ בְּאַפְרִי נִפְשִׂיהּ הוּא. הַכָּא, דְּלֵא מְפָסְקוּ לַיְלוֹת מֵיָמִים – כּוּלְהוּ יוֹמֵי בְּחַדָּא יוֹמָא אֲרִיכְתָא דְּמִי.

The Gemara asks: And in what way is it different from that which was stated with regard to a different *halakha*: In the case of one who separated seven *etrogim*<sup>H</sup> for each of the seven Festival days, one for each day, Rav said: He fulfills his obligation through each and every one of them when he recites the blessing over the *lulav* and *etrog*, and if he so desires he may eat it immediately after the blessing. And Rav Asi said: He fulfills his obligation through each one, and he may eat it the following day, as it retains its sanctity for the duration of that entire day. In any case, all agree that the sanctity of each *etrog* does not extend to the following day. If so, why does the sanctity of the *sukka* extend through all seven days?<sup>N</sup>

The Gemara answers: There is a difference between an *etrog* and a *sukka*. There, with regard to an *etrog*, the nights are divided<sup>N</sup> from the days, as the mitzva of *etrog* applies only during the day and not at night. This means that each and every day is its own mitzva, and therefore an item that is sanctified for one day is not necessarily sanctified for the following day. However, here, with regard to a *sukka*, where the nights are not divided from the days, as the mitzva of *sukka* applies at night as well, all seven days are considered as one long day. Throughout the Festival, there is no moment during which the sanctity of *sukka* leaves the wood; it leaves only at the conclusion of the Festival.

Perek IV Daf 31 Amud a

HALAKHA

Bringing wood for kindling – הִבָּאת עֵצִים לְהַקְדִּיף: It is prohibited to bring wood from a field, even if it had been gathered on the eve of the Festival. However, one may collect wood from that which was brought indoors as kindling, although some prohibit this (*Yam Shel Shlomo*). Similarly, one may take wood that is before him in a courtyard (Rema), but he may not gather it together (*Yam Shel Shlomo*). One may bring in wood that has been gathered and placed in a fenced *karpef*. Some even permit one to do so in a *karpef* that is not fenced and closed (*Taz*, citing *Beit Yosef*; *Rashba*; *Rosh*). This applies only if it is within the Shabbat limit, but otherwise it is prohibited, in accordance with the opinion of Shmuel and Rabbi Yosei, whose opinion is understood as a leniency (*Shulhan Arukh, Orah Hayyim* 501:3).

מִתְנִי מְבִיאִין עֵצִים מִן הַשָּׂדֶה מִן הַמְּבוּנָס, וּמִן הַקְּרָפֵף אֲפִילוּ מִן הַמְּפוּזָר. אֵיזוֹהוּ קְרָפֵף – כָּל שִׁסְמוּךְ לְעִיר, דְּבָרֵי רַבִּי יְהוּדָה, רַבִּי יוֹסֵי אָמַר: כָּל שֶׁנִּכְנָסִין לוֹ בְּפוֹתֵת, וְאֲפִילוּ בְּתוֹךְ תְּחוּם שַׁבָּת.

**MISHNA** One may bring wood chopped from a tree the previous day from an unfenced field, but only from that which has been gathered into a pile before the Festival for the purpose of using it for kindling.<sup>H</sup> However, scattered wood is *muktze* and may not be handled. And if one brings wood from a *karpef* used for storage, he may bring even from the scattered wood, as it is considered a guarded courtyard rather than a field, and one does not remove even scattered items from his mind if they are stored inside such an enclosure. The mishna explains: What is a *karpef*?<sup>N</sup> It is any enclosure that is near a city, but if it is far from a city, it is considered a field; this is the statement of Rabbi Yehuda. Rabbi Yosei says: Any fenced place into which one can enter only with a key is a *karpef*, even if it is located at a distance from a city, provided that it is within the Shabbat limit.

גַּמ' אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אֵין מְבִיאִין עֵצִים אֲלָא מִן הַמְּבוּנָסִין שְׁבִקְרָפֵף. וְהָא אֲמַן תַּנּוּ: מִן הַקְּרָפֵף וְאֲפִילוּ מִן הַמְּפוּזָרִים. מִתְנִיתִין יְחִידָאָה הִיא.

**GEMARA** Rav Yehuda said that Shmuel said: One may not bring wood except from the wood that was gathered in a *karpef*.<sup>N</sup> The Gemara challenges: But didn't we learn in the mishna: And from a *karpef*, even from scattered wood? The Gemara answers: The mishna follows an individual opinion.<sup>N</sup>

NOTES

What is a *karpef* – אֵיזוֹהוּ קְרָפֵף: This is not a general question with regard to the definition of a *karpef*, which is relevant to several *halakhot* of Shabbat and *eiruv*; rather, it is one that concerns the particular topic of this mishna: From which *karpef* did they allow one to bring wood (*Meir*)?

However, the Ran and other authorities maintain that the reason it is prohibited to bring wood is due to collecting, a sub-category of the primary category of prohibited labor known as binding. According to their view, collecting is fundamentally permitted for the preparation of food, but the Sages limited it by decree. They did so with regard to several other labors as well, either to prevent the performance of a serious transgression or because the action appears similar to a weekday activity. Following this explanation, Shmuel's conclusion is that one may not bring in scattered wood at all, due to binding; he may take only from gathered wood (see *Tosafot*, Rambam, and Ramban). However, some say that even the Ran must add the reason of *muktze*, as gathered wood in a field is also prohibited, and binding does not apply to such a case. On the other hand, it is

possible that the concern is that the wood might become scattered in a field, as no one is present to watch over it. Additionally, Rabbi Yosei's insistence on a key is clearly referring to the issue of *muktze* rather than that of binding.

An individual opinion – יְחִידָאָה הִיא: In the Jerusalem Talmud, it is stated likewise. There, the opinion of Rabbi Natan is cited that the Sages disagreed only in the case of scattered wood in a *karpef*, which Beit Hillel permitted. The later authorities ask why the Gemara did not challenge Shmuel's approach with the *baraita* that states that one may take wood that has been gathered together in a field. It is possible that the Gemara preferred to cite a source that presents two opinions explicitly contradicting his view.