שיעור #45

3/8/18

When does something become relevant to the idea of דיחוי?

 By קרבנות, it is obvious — once it becomes הקדש.

 But what about in our context, by מצוות?

 There were a few cases:

 1) On לג., עלתה בה תמרה ביו"ט – on יו"ט –

 From this, seems to say that when יו"ט starts, דיחוי is relevant.

 2) On לג:, אם מיעטן כשר – before יו"ט –

The גמרא itself asks whether the אגד alone makes it relevant to דיחוי, and answers that no, it does not (just a הזמנא בעלמא).

 3) On לג:, ואין ממעטין ביו"ט – on יו"ט –

 From this, seems to say that when יו"ט starts, דיחוי is relevant.

Thus, from all of these cases, the גמרא seems to imply that דיחוי is only relevant once יו"ט starts. That turns it into a חפצא של מצוה, while אגד does not.

רש"י, however, is interesting.

 Throughout the סוגיא, he adds in the component of אגד:

 In terms of 1) – רש"י sticks in that דיחוי is relevant once it has אגד (and it was נאגד before יו"ט).

 In terms of 3) – רש"י sticks in that is relevant once it has אגד (and it was נאגד before יו"ט).

 Q: What about the fact that the גמרא said אגד is just הזמנה בעלמא?

A1: Based on ר"ח (against the גרסה mentioned in תוספות) – if you hold לולב אין צריך אגד, then it is only הזמנה בעלמא; but if hold לולב צריך אגד, then it has significance, and makes it into a חפצא של מצוה.

 רש"י clearly holds this way — he says so explicitly on the bottom of לג..

 (To summarize: when is דיחוי relevant?

 To גרסה in תוספות – to חכמים – יו"ט

 to רבי יהודה – יו"ט (אגד is just הזמנה בעלמא)

 To ר"ח, רש"י – to חכמים – יו"ט

 to רבי יהודה – אגד

And רש"י might have thrown אגד in to make the cases all be in accordance with רבי יהודה as well.

 A2: Rav Soloveitchik – even to the חכמים, need אגד and יו"ט for it

 To רש"י to this – to חכמים – יו"ט and אגד

 to רבי יהודה – אגד

 Why should אגד make a difference if it isn't required?

a) Maybe to designate this one as being used for the מצוה. Not all הדסים are automatically a חפצא של מצוה after יו"ט starts; also needs you to subjectively make it a חפצא של מצוה. And you need to do an action apparently, to show you intend to use it as a מצוה, not just think it. (Maybe nowadays, putting it in the plastic holder would be enough).

b) Rav Soloveitchik – even if you hold לולב אין צריך אגד, the אגד still has halachic significance and creates a חפצא של מצוה.

 The גמרא earlier had said that the אגד is still a מצוה to the רבנן, from זה קלי ואנוהו.

 But just looking fancy shouldn’t be enough to make it a חפצא של מצוה!

Rav Soloveitchik – this is רש"י going לשיטתו — the נוי מצוה of אגד to the חכמים is not just ascetic — it is a formal נוי, in that it makes them into one unit.

Not just that it looks nice; rather, internally, it is an enhanced קיום of a חפצא של לולב הדס וערבה. It is doing the מצוה more fully.

See רש"י on כט: too, by זה קלי ואנוהו affecting the לולב to be מעכב by יבש. You see it can be an enhanced קיום (sometimes to the point of being מעכב).

This would also fit well with רש"י later on לג:, saying that even to the חכמים, in terms of the אגד being done, it needs to ideally be a קשר של קיימא (just like רבי יהודה requires it). Based on a דיוק that if it wasn’t on יו"ט, then they too would want a real אגד.

Another example of רש"י going לשיטתו — on לז:, the גמרא has a מחלקת between רבה and רבא over whether one is allowed to stick in the לולב into the bundle (it may knock off leaves and make a חציצה). רש"י there explains רבה as saying “and then they won't be bound together.” רבה would not be saying it is פסול then.

 To rephrase as a חקירה:

 אגד to the חכמים, from זה קלי ואנוהו:

 I) Aesthetic

 רבינו אברהם מן ההר, ריב"ב – clearly seem this way

 (“Just so it looks nice and doesn’t flop around”).

 II) Formal added קיום when they are unified into one חפצא

Rav Soloveitchik – רמב"ם is like this side too, since he says מצוה כהלכתה, and groups it with נענועים and which hand. Those obviously aren’t about aesthetics.

 Potential נ"מ:

 1) דיחוי

To I) – דיחוי is probably relevant even without the אגד; but to II) – דיחוי might not be relevant unless אגד [רש"י]

 2) Quality of the קשר

To I) – even a small אגד should be good [רבינו אברהם מן ההר, ריב"ב]; but to II) – need a real קשר [רש"י, יראים, אור זרוע, ריא"ז]

רמ"א seems like I) also, since he says the מנהג is to do what seems to be like אגודת של ירק.

Now, you can deny this all in רש"י — you can say that it is all aesthetically pleasing — it stays tighter and lasts longer when there is a good knot. But רש"י seems more like as we’ve been saying, that it is formal, since he compares it to רבי יהודה.

 ראבי"ה – allows one knot, plus wrapping around and inserting

 Why?

He compares it to ציצית, which is a formal קיום, which sounds like II) then.

But גר"א says this is מותר on שבת — thus, sounds like it isn't a formal קשר של קיימא, but nonetheless is equally as good — thus, sounds like as strong as a double knot is as aesthetic and holds it together well (then ראבי"ה would be like I) instead).

משנה ברורה quotes אגור באהליך – the koishalach counts as a קשר של קיימא; you only need a double knot since it then holds it tight together and looks nice.

He clearly denies Rav Soloveitchik’s analysis — even to רש"י, just there for aesthetics.

[Personally, from רש"י on יא:, where is compares it to סוכה נאה, etc. – I would think רש"י is saying it is all about aesthetics]

 אגור באהליך, פרי מגדים, משנה ברורה – like I), even in רש"י

 בית דוד – like II)

 How do we pasken?

 Not like רמ"א.

משנה ברורה paskens like the I) side, and koishalach is good enough for קשר של קיימא. But many poskim go against him and are מחמיר to say that we need a formal double knot.

 3) חציצה

To I) – no problem of חציצה between the מינים; rather, the גמרא meant between his hand and the מינים (a failure of לקיחה) [רש"ש]; but to II) – a problem to lose the איגוד, which is what the חציצה would do [רש"י and ערוך לנר]

 4) The דרשה of ר"א that אתרוג is not in the אגד — but לולב אין צריך אגד!

 To I) –

a) ר"א holds like רבי יהודה (and לולב צריך אגד) [But the רי"ף brought it, so that is awkward for him]

 b) ערוך לנר – really means nothing is in the אגודה

c) אורחות חיים, שפת אמת (second answer), חתם סופר – not קיום of אגד ד' מינים, but איסור of איגוד אתרוג עם הלולב

להלכה, we consider this a ספק. Should hold them together, but in separate hands.

 But to II) –

a) שפת אמת (first answer) – מדאורייתא, there is a קיום of אגד, though it isn't מעכב — and we are מקיים it מדאורייתא with these three items.

b) אבני נזר, Rav Soloveitchik – (in accordance with ר"ת, that you can only be יוצא the ד' מינים all at once, unlike בה"ג [as long as you have them all, you can be יוצא them one after the other]) – רבי יהודה and the חכמים don’t argue over whether you need a unified חפצא or not; rather, they argue over whether a binding is necessary for it to be considered unified. But both agree there is a need for a unified חפצא. Even they admit that אגד יד is מעכב on a דאורייתא level; they argue over if the אגודה is necessary though.

To שפת אמת, a real binding is a totally new added קיום; but אבני נזר – no, just an enhancement of the required old קיום.

This would explain why דיחוי would require אגד — since a required part of the מצוה now.

This would also explain how this could be true based on the גזירה שוה — the גזירה שוה was about whether the לקיחה’s איגוד needs a real קשר, but it always needed to be a unified לקיחה.

 5) איגוד done by a גוי or woman

To I) – obviously not a problem; but to II) – it is לכתחילה אסור, since it creates a חפצא של מצוה [תוספות, הגהות מיימניות, מגן אברהם]

6) Is it ideal to use the מינים of the ד' מינים for the אגד? What if you use שלא במינו, but very pretty, like gold?

To I) – should be fine {though I think to רש"י, only pretty when the same color}; but to II) – maybe shouldn’t be done (you could easily hear the other way around, but חתם סופר says ideal to use the מינים, since not up to you what’s pretty — up to the תורה)

7) חומרה of Rav Chaim — not to stick the לולב into the bundle, but rather, to have a formal making of the אגד

To I) – no reason why this should be true; but to II) – maybe this is ideal to avoid doing [Rav Chaim]

Based on ראב"ד saying that not called בל תוסיף to stick in a 5th מין after the binding to רבי יהודה. משנה ברורה also quotes a ביכורי יעקב that sounds like this — about not taking out ערבות — but he really means if you can pull it out, then obviously not a very tight knot.

But you can say even to II) that this isn't true — based on רי"ף, that it doesn’t count as an עשייה to stick a לולב into a pre-existing knot.

Thus, don’t need to be מחמיר like Rav Chaim, since like two minority opinions.