**THOUGHTS ON SUKKOT**

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**Lulav on Shabbat**

Scripture sets forth the obligation to take four species on Sukkot.  “On the first day you shall take the product of hadar trees, branches of palm trees, boughs of leafy trees, and willows of the brook, and you shall rejoice before the Lord your God seven days (Leviticus 23:40).”  This is understood by the sages to mean that one must hold in hand a package containing a citron, palm frond, myrtle twigs, and willow branches.  Rabbinic literature names this obligation נטילת לולב, or the “taking of the Lulav.”  Equating the rejoicing mentioned in the latter half of the verse with the physical performance of the Lulav rite, the early halakhah stipulated that whereas the Lulav ceremony was to be observed in the provinces on the first day of Sukkot only, in the Temple – “before the Lord your God” – the Lulav should be taken on all seven days of the holiday (Sifra Emor 12:16).  After the destruction of the Temple, Rabban Yochanan ben Zakkai enacted that the Lulav rite must be observed everywhere on all seven days in remembrance of the Temple (Mishnah Sukkah 3:12).

Early halakhah mandated taking the Lulav on the Sabbath only when the Sabbath happened to coincide with the first day of Sukkot (4:2).  In light of the Sabbath prohibition on carrying in the public domain, worshippers brought their Lulavim to synagogue (3:13) or to the Temple on Friday.  The Temple wardens attempted to distribute the Lulavim to the throngs of pilgrims in an orderly manner.  On one occasion, a donnybrook erupted as pilgrims violently vied for choice Lulavim.  Recognizing the dangers inherent in the system, the authorities decreed that thenceforth the Lulav rite should be performed at home on the Sabbath (4:4).

The Babylonian Talmud questions why the observance of Lulav would not override the Sabbath considering that the rite involves the mere handling of branches and does not entail the performance of labor.  Rabbah answered that the sages banned the performance of the ritual on the Sabbath lest an unlettered Jew seeking guidance from his more learned neighbor about the proper performance of the precept carry his Lulav four cubits in the public domain.  Rabbah further asserted that this same consideration regarding unlawful carrying is the reason that the Megillah is not read, and the shofar not blown, on Purim and Rosh Hashanah, respectively, when either of those holidays falls on the Sabbath.  The Talmud then questions why the ban did not extend to the first day of Sukkot.  Answer: The sages preferred not to proscribe the taking of the Lulav on the first day of Sukkot, when by Torah law even provincial Jews perform the ceremony.  The Talmudic narrator then incredulously wonders why in his own generation in Babylonia the Lulav is not taken on the first day of Sukkot that falls on Saturday.  Answer: The Jews of Babylonia lack calendrical certainty and the Lulav cannot be taken on a Sabbath the holiday status of which is in doubt.  The Talmud then argues that for the Jews of the Holy Land, where no calendrical uncertainty obtains, it should either be permitted, or even indeed obligatory, to take the Lulav on a Sabbath that is also the first day of Sukkot.  The Talmudic redactor concedes this point and notes that it can be proven from Tannaitic literature.  One Mishnah refers to the Lulav ceremony on the Sabbath in the Temple; another deals with the same situation in the synagogue.  The latter case is understood to be addressing the post-Temple era (Sukkah 42b).

Just one page later, however, the Babylonian Talmud reverses its conclusion.  The anonymous narrator asserts that because the Jews of the Diaspora do not observe the Lulav ceremony when the first day of Sukkot falls on the Sabbath, then neither do the Jews of the Holy Land.  As for the Mishnah that mentioned the taking of the Lulav on the Sabbath in the synagogue, it was reinterpreted to be addressing specifically the Jews of Eretz Yisrael during the Temple period (Sukkah 43b-44a).  Rashi explained that the total ban on taking the Lulav on the Sabbath in the post-Temple era was designed to foster Jewish unity and prevent the appearance of their being two different Torahs – one for Jews resident in the Holy Land and the other for Jews located elsewhere.

Maimonides, who ruled in accordance with the Bavli’s revised conclusion, acknowledged that during the Temple era there were divergent practices for the Jews of Eretz Yisrael and the Diaspora.  But, in his view, the existence of the Temple made it clear that the then-differences in practice were an accident of geography and did not give rise to the harmful appearance of two Torahs (Hilkhot Lulav 7:17).  Maimonides noted that, following the establishment of the fixed calendar, an argument could be made to permit Diaspora Jews, and by extension Israeli Jews, to take the Lulav on the Sabbath of 15 Tishrei.  Nonetheless, he ruled that the Lulav is never taken on the Sabbath anywhere in the post-Temple period primarily because of Rabbah’s concern about carrying (since carrying is wholly unrelated to calendrical issues or uncertainties) (7:18).  Shulchan Arukh codified the absolute ban on taking the Lulav on Shabbat (Orach Chaim 658:2).

Maimonides’ description of the evolution of the halakhah concerning Lulav on the Sabbath, based upon Bavli Sukkah 44a, is historically inaccurate.  It is not true that, since the beginning of the post-Temple era, Jews all over the world, including Eretz Yisrael, have refrained from performing the Lulav rite on Shabbat.  The need for a careful reexamination of the relevant Talmudic passages in the hope of offering a more accurate historical reconstruction is clear from the fact that the Babylonian Talmud offers contradictory assertions about the practice of Israeli Jewry.  Did they or did they not take the Lulav in the post-Temple era on Shabbat, 15 Tishrei?  The Bavli says yes; then, it says no.  Neither assertion is supported with testimonial evidence.  The relevant Tannaitic passages conveniently were interpreted and reinterpreted to fit the flow of academic arguments without the Gemara’s evincing any concern for real world practice.  We are left to conclude that the redactors of the Babylonian Talmud either did not know, or did not care to know, what their Israeli coreligionists were actually doing.

The essential point of the Bavli/Maimonides version of halakhic history is that, *post* the destruction of the Second Temple in 70 CE, rabbinical decree banned the observance of Lulav, Megillah, and Shofar on the Sabbath, lest a Jew improperly carry in the public domain.  There is no evidence in Tannaitic literature for the existence of such a decree.  Limitations on the performance of those rites certainly do exist and Rabbah’s explanation is at least plausible.  But other explanations are more compelling and, significantly, the Yerushalmi seems entirely unaware of Rabbah’s theory.

If Purim falls on the Sabbath, large unwalled cities read the Megillah on Thursday.  If Shushan Purim falls on the Sabbath, walled cities read the Megillah on Friday (Mishnah Megillah 1:2).  Countering Rabbah’s theory that the Megillah is shifted away from the Sabbath because of concerns about carrying, Rav Yosef argued, instead, that it is because poor people have their eyes set on the Megillah reading with the expectation of receiving alms (Megillah 4b).  Money is muktzeh and of course cannot be handled on the Sabbath.  One cannot fulfill the Purim obligation of *matanot l’evyonim* on the Sabbath.  So intimately connected are the Megillah reading and the distribution of charity that, in Rav Yosef’s view, it was necessary to reschedule the reading when its official performance date fell out on Shabbat.  Support for Rav Yosef’s explanation is seen in Mishnah Megillah 1:4, which links Megillah reading and *matanot l’evyonim* and distinguishes them from other Purim rites.

While the Temple stood, the shofar was sounded exclusively in the Temple if Rosh Hashanah fell on the Sabbath.  After the destruction of the Temple, Rabban Yochanan ben Zakkai mandated the blowing of the shofar at the High Court if Rosh Hashanah fell on the Sabbath (Mishnah Rosh Hashanah 4:1).  The Babylonian Talmud questions why the sounding of the shofar would not override the Sabbath; it is, after all, merely the playing of an instrument.  It is not the performance of a forbidden labor.  Rava answered that, under Torah law, the shofar should be sounded in all places even on the Sabbath.  But, in agreement with Rabbah’s theory, he also asserted that the sages restricted the observance of shofar on Shabbat to the Temple or courthouse lest someone inadvertently carry in the public domain (Rosh Hashanah 29b).

By contrast, theYerushalmi sees the difference between Sabbath and weekdays to be a matter of Torah law.  “A sacred occasion commemorated with loud blasts זכרון תרועה (Leviticus 23:24)” connotes the recitation of memorial verses and the absence of actual blasts, while “it is a day of blowing the horn unto you יום תרועה (Numbers 29:1)” connotes the physical sounding of the shofar.  The former verse is applied to Sabbath while the latter verse is applied to weekdays.  The Yerushalmi then questions why the ban on Sabbath shofar blowing is relaxed in the Temple.  Rabbi Simon bar Yochai answered by citing the next verse, “you shall bring an offering (Leviticus 23:25),” and positing the exegetical interpretation thereof that in the place where sacrifices are brought (i.e., the Temple), the shofar is blown even on the Sabbath (Yerushalmi Rosh Hashanah 59b).

We have thus far seen, with respect to Megillah and shofar, that Rabbah’s theory about a *post*-Temple rabbinic decree’s safeguarding against unlawful Sabbath carrying is not necessarily the correct interpretation of existing statutes restricting the performance of holiday rituals.  With respect to Lulav, Rabbah’s theory is even less compelling.  Lulav did not override the Sabbath on days two through seven of Sukkot even in the Temple.  Taking into account the tradition that rabbinic safeguards generally were not applied in the Temple itself (Beitzah 11b), some other explanation must be sought for the law.  As for the restrictions on taking the Lulav if the first day of Sukkot fell on Shabbat, the Tannaim and Yerushalmi knew of no such law, and the Bavli attributed it in the Diaspora to calendrical uncertainty and in Eretz Yisrael to the universal harmonization of religious practice.

The Yerushalmi records an incident in which Rabbi Abahu (early 4th century CE) visited Alexandria and the local Jewish community took the Lulav on the Sabbath of Sukkot (presumably the first day of the holiday).  Rabbi Ami warned the Alexandrian Jews that not every year would Rabbi Abahu be visiting them.  Rabbi Jose sent them an epistle noting that even though they had been issued instructions concerning the order of the holiday, they should nonetheless continue to observe the customs of the fathers (Yerushalmi Eruvin 21c).  The traditional commentators interpreted this passage to mean that Alexandrian Jews, like any other Diasporan community, would, because of calendrical uncertainties, typically not have taken the Lulav on the Sabbath.  With the arrival of Rabbi Abahu that year, that uncertainty was removed, and so the community felt free to take the Lulav on the Sabbath.  Rabbi Ami warned them that an unpredictable and unusual occurrence like the arrival of an Israeli sage was insufficient basis to change established practice.  Rabbi Jose further warned them that even with the dissemination of knowledge about the fixed calendar they should still adhere to their communal tradition of not taking the Lulav on the Sabbath.

At a minimum, this passage from the Yerushalmi confirms that Israeli Jewry still performed the Lulav ritual on the Sabbath during the Amoraic period.  Professor Sacha Stern suggests an alternative explanation of the passage in light of the fact that Alexandrian Jewry was not a rabbinic community and likely did not subscribe to rabbinic restrictions on ritual observance instituted as a result of calendrical doubt.  Prof. Stern posits that Alexandrian custom was to take the Lulav on Saturday, 15 Tishrei.  Rabbi Abahu arrived and instructed them in the proper methods of holiday observance, which for a Diaspora community meant not taking the Lulav.  Rabbi Jose reacted by sending an epistle encouraging the Alexandrians to continue in their former practices despite whatever the Israeli rabbis had just taught them.

A careful reading of the Mishnah Tractate Sukkah also suggests that there never was a ban on taking the Lulav on Saturday, 15 Tishrei.  Mishnah 3:12 mentions the post-Temple enactment to observe the Lulav rite in the provinces all seven days of the holiday.  Mishnah 3:13 addresses the observance of the Lulav rite in the synagogue on the Sabbath.  The juxtaposition of the two laws gives the clear impression that 3:13 is describing a *post*-Temple phenomenon.  Only with the beginning of Chapter 4 does the tractate appear to revert to a discussion of the Temple period.  Moreover, the synagogue is primarily a *post*-Temple institution, making it a stretch to argue that Mishnah Sukkah 3:13 deals exclusively with pre-70 CE Jewish practice.

Additionally, a decree banning the observance of a holiday ritual out of fear of unlawful carrying is inconsistent with what we know about the early strata of halakhah, which were less wracked with worries.  Hillel the Elder was asked about the observance of the Paschal Offering on the Sabbath if the slaughterer forgot to bring his knife to the Temple on Friday.  Rather than forbid the ritual lest someone carry in the public domain, he advised the owner of the sacrifice to tuck his knife in the wool of the sheep or between the horns of the goat (Pesahim 66a).

The claim that Lulav never overrides the Sabbath in the*post*-Temple era is also problematic when we compare it to the regulations pertaining to shofar.  In Temple days, the Lulav was taken even in the provinces on the Sabbath while the shofar was only blown in the Temple.  It would therefore make sense, in the *post*-Temple period, for there to be fewer restrictions on Lulav than on shofar.  Yet while the shofar is blown at the High Court on the Sabbath in *post*-Temple times, Lulav has supposedly been interdicted entirely on the Sabbath.  (See Tofasot Sukkah 43a for answers.)

If, during the Talmudic period, the Jews of Eretz Yisrael did indeed take the Lulav on the first day of Sukkot that fell on the Sabbath, why did the Babylonian Talmud assert otherwise and why did the practice eventually fall into desuetude?

The Bavli’s claim that the ritual practices of Israeli Jews must fall into line with Diaspora modes of observance is clearly an attempt by one community to exercise its authority over another.  As an historical matter, we know that the competition between the two communities over the stretch of several centuries in the first millennium CE was fierce.  An assertion by Babylonian Amoraim about what Israeli Jews do, or should do, would have had little impact on the community of Eretz Yisrael in the short term.  But the appearance, in the final version of the Babylonian Talmud, of historical/halakhic assertions concerning Israeli practice would influence the later halakhic codifiers, who accepted the authority of the Bavli over the Yerushalmi in determining normative rabbinic Judaism.

The Netziv suggested that the adjusting of ritual practice everywhere to reflect the Babylonian style was appropriate in the *post*-70 CE era because at that point the majority of Jews lived in Babylonia (Meromei Sadeh, Sukkah 44a).  Though off by several centuries, the Netziv is correct that Babylonia eventually replaced Eretz Yisrael as the world’s main Jewish community.  With the 20th century revival of Jewish life in Eretz Yisrael and the re-establishment of the State of Israel, Rabbi David Bar-Hayim of Machon Shilo suggested that Israeli Jewry no longer restrict their ritual behavior to account for the alternative practices of a (previously) dominant Diaspora.  Citing the Talmudic dictum that “one should always run to the Mishnah (Baba Metzia 33a),” he floated the idea of Israeli Jews’ reverting to Tannaitic law and taking the Lulav on the first day of Sukkot that falls on the Sabbath.  Unsurprisingly, his suggestion was denounced as heresy.  Fiercely traditional people tend to resist any change to the tradition they know, even if the change is, as a matter of history, in fact the restoration of an older -- and arguably more authentic -- tradition.