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Sukkah Daf 25

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Acha bar Yaakov had stated that the walls of the Sukkah must be able to withstand a usual wind.

The *Gemora* asks from a *braisa* which says that if a water pit was surrounded by a tree, fence, or a barrier made of reeds stuck in the ground, these structures are valid as the corner barriers necessary for the pit. This again indicates that a tree or reeds, which will sway in the wind, is valid.

The *Gemora* answers that the *Mishna* is referring to a case where the branches were tied together with branches of palm and bay trees.

The *Gemora* asks from a *braisa* which says that if a tree’s branches create a canopy which reaches within 3 tefachim of the ground, one may carry within the enclosure it creates, although the tree sways in the wind.

The *Gemora* deflects this by saying that it is referring to a case where the branches were tied together with branches of palm and bay trees.

The *Gemora* challenges this, as one should then be allowed to carry in this area, no matter how large it is, but Rav Huna the son of Rav Yehoshua proceeds to say that one may only carry in this area if it is bais

sa’asa’im – the area to plant 2 seah, the maximum size for an area not enclosed for habitation.

The *Gemora* answers that this area is mainly for the purpose of the space around it, i.e., as shelter for those who are guarding the larger field, and therefore it is not considered enclosed for habitation.

The *Gemora* asks from a *braisa* which says that if one began Shabbos on a mound 10 tefachim high, in a crater 10 tefachim deep, or in a grain field surrounded by stalks 10 tefachim high, these areas are considered his domicile, and he may therefore walk another 2000 amos outside of them on Shabbos. This implies that these barriers are valid barriers, although they sway in the wind.

The *Gemora* answers that the *braisa* is referring to a case where the branches were tied together with branches of palm and bay trees. (24b3 – 25a1)

The *Mishna* rules that one who is engaged in performing a mitzvah is exempt from the mitzvah of Sukkah. A sick person and his attendants are also exempt from the mitzvah of Sukkah. (25a1-25a2)

The *Gemora* cites a *braisa* as a source for the *Mishna’s* halachah: *When you are sitting in your house:* this excludes one who is engaged in the

performance of one *mitzvah* (*oseik bimitzvah patur min hamitzvah*; one who is occupied with the performance of one *mitzvah* is exempt from performing another *mitzvah*). And while you are going on the way: this excludes a bridegroom (for he is also preoccupied with the performance of a *mitzvah*; Rashi explains why a special exclusion is necessary for this). Therefore they ruled that one who marries a virgin is exempt (from the obligation to recite the *Shema* in the evening), whereas one who marries a widow is obligated (as the *Gemora* will proceed to explain the distinction).

The *Gemora* asks: How is the lesson (that one who is occupied with the performance of one *mitzvah* is exempt from performing another) implied (from the verse)?

Rav Huna said: [It is written: 'the way.'] The circumstances must be similar to 'the way.' Just as (journeying on) 'a way' is optional, so too whatever is optional (is when the obligation of reciting the *Shema* applies; this excludes a case where one is occupied with performing a *mitzvah* – a non-discretionary act).

The *Gemora* asks: But doesn't the verse refer as well to one who is going (on 'the way') to perform a *mitzvah*, and even so the Torah said that he is obligated to recite (the *Shema*)?

The *Gemora* answers: If that were so, the Torah should have simply written: *while sitting and while walking*; what is the necessity to write: *when you are sitting and when you are walking*? It must be to teach that when you are engaged in 'your sitting' or 'your walking' – that is when you are under the obligation,

but when you are engaged in the performance of a *mitzvah* (which is not 'your' sitting or walking), you are exempt.

The *Gemora* asks: If that is so, one who marries a widow should also be exempt?

The *Gemora* answers: This one (who marries a virgin) is preoccupied (for he is worried that he will not be able to rupture the hymen and complete cohabitation); the other (who is marrying a widow) is not.

The *Gemora* asks: If a state of preoccupation is the cause of exemption, it should apply also to the case of one's ship sinking at sea (where he is preoccupied with his loss)! And you cannot say that this is so, for surely Rabbi Abba bar Zavda said in the name of Rav: A mourner is required to observe all *mitzvos* except for *tefillin* which is called *pe'er*, glory, and a mourner is not allowed to glorify himself.

The *Gemora* answers: In that case (when he is marrying a virgin) the preoccupation is over a *mitzvah*; here (regarding a mourner) it is over an optional matter. (25a2-25a3)

The *Gemora* asks: But is the rule that *oseik bimitzvah patur min hamitzvah* - one who is occupied with the performance of one *mitzvah* is exempt from performing another *mitzvah*, derived from here? Is it not derived from elsewhere, as it has been taught in a *braisa*: And there were certain men who were tamei by the dead body of a man, etc. Who were these men (in the Wilderness who were unable to offer the *Korban Pesach* because they were tamei from corpse



tumah, and these people sought to offer the Korban Pesach)? They were those who carried the coffin of Yosef; these are the words of Rabbi Yosi HaGelili. Rabbi Akiva said: They were Mishael and Eltzafan, who were occupied with the remains of Nadav and Avihu (who died when they brought a “strange fire” into the *Kodesh*).

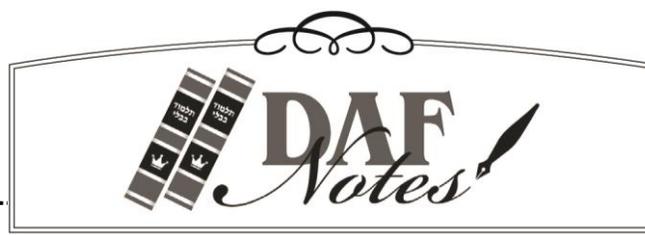
Rabbi Yitzchak said: If they were those who carried the coffin of Yosef, they would have had time to purify themselves (before Pesach), and if they were Mishael and Eltzafan, they could also have purified themselves (before Pesach). But, rather, it was those who were occupied with a meis mitzvah (an abandoned corpse, where there is no one to attend to its burial; here, it is referring to a close relative), where the seventh day (of their purification process) coincided with Erev Pesach, as it is written: *They could not keep the Pesach on that day*; on ‘that’ day they could not keep the Pesach, but on the morrow they could.

The *Gemora* answers: Both sources are necessary, for if were informed of this principle only from there (Pesach), I would have said that they were free from the obligation of the korban, because the time of its obligation had not yet arrived (as the mitzvah is on the fourteenth of Nissan), but not here, where the time of the reciting of the Shema had come. Therefore, it was necessary (to have the latter). And if were informed of this principle only from there (the reciting of Shema), I would have said that one is exempt there because this does not involve kares, but not there (by the Korban Pesach), where it involves kares; therefore they are both necessary. (25a4-25b2)

It was stated above: Rabbi Abba bar Zavda said in the name of Rav that a mourner is required to observe all mitzvos except for *tefillin* which is called *pe’er*, glory, and a mourner is not allowed to glorify himself. The source for this ruling is from a verse in Yechezkel, where HaShem instructed Yechezkel regarding the laws of mourning and HaShem told Yechezkel explicitly that he should don his Tefillin. This commandment implies that all other mourners are not permitted to don Tefillin. A mourner, although he is thinking about his sorrow, he is not preoccupied with performing a mitzvah and for this reason he is still obligated to observe mitzvos. The *Gemora* qualifies that this exemption applies only on the first day of mourning, for that is when it’s written: *and her end like a bitter day*. (25b2)

And Rabbi Abba bar Zavda said in the name of Rav that a mourner is obligated in the mitzvah of Sukkah. The *Gemara* explains that this is a novel ruling for one may have thought that a mourner would be exempt from the mitzvah because we find that one who is in distress is exempt from the mitzvah of Sukkah. Similarly, a mourner is grieved over his loss and one would think that a mourner should also be exempt from the mitzvah of Sukkah. The *Gemara* teaches us that nonetheless a mourner is obligated in the mitzvah of Sukkah.

The *Gemora* explains: One who is in distress is exempt from the mitzvah of Sukkah if the distress is inherent in the Sukkah, such as if it is hot or cold in the Sukkah, or there is a foul odor emanating from the *s’chach*. A mourner, on the other hand, causes



himself distress and he must focus on being calm and then he will be able to fulfill the mitzvah of Sukkah. (25b2-25b3)

And Rabbi Abba bar Zavda said in the name of Rav: A bridegroom and all his groomsmen and all the people who are part of the wedding entourage are exempt from sitting in the Sukkah during the seven days of joy.

The *Gemora* says that the reason is because they have to rejoice.

The *Gemora* asks: But let them eat in the Sukkah and rejoice in the Sukkah?

The *Gemora* answers: There is no proper rejoicing but in the marriage residence.

The *Gemora* asks: But let them eat in the Sukkah and rejoice in the marriage residence?

The *Gemora* answers: There can be no real rejoicing except where the wedding banquet is held.

The *Gemora* asks: But why don't they set up the marriage residence in the Sukkah?

Abaye says: This is impossible, because of the concern of seclusion (as the Sukkah was usually made on a roof, and is frequented by very few people; it might afford an opportunity for a stranger to enter it and will be secluded with the bride during an unavoidable absence of the bridegroom when he is taking care of his needs). Rava said: It is because of the discomfort of the bridegroom (as he cannot

rejoice playfully with his wife, as the Sukkah is opened on one side).

The *Gemora* notes that a practical difference between them emerges where people are in the habit of going in and out of there. According to the view of seclusion, the restriction does not apply; according to the view of discomfort, it does.

Rabbi Zeira said: I had the wedding banquet in the Sukkah and rejoiced in the marriage residence, and my heart rejoiced all the more so, since I was fulfilling two mitzvos. (25b3-25b4)

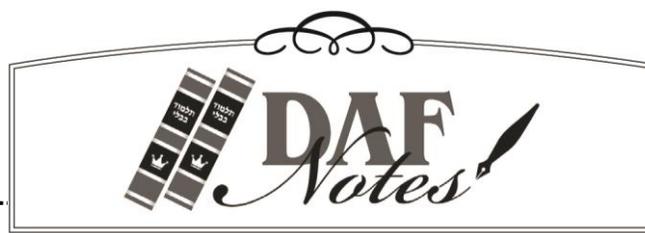
INSIGHTS TO THE DAF

Performing a Rabbinical Mitzvah Exempts One from Performing A Biblical Mitzvah

Rav Elchonon (Kovetiz Shiurim 2:32) and the *Sdei Chemed (maareches oseik page 436)* discuss whether the principle of one being exempt from one mitzvah when engaged in another mitzvah applies when the mitzvah one is engaged in is rabbinical in nature and the other mitzvah awaiting him is biblical in nature.

The *Sdei Chemed* quotes the *Rashba* who writes that from our Gemara it is evident that one who is engaged in a rabbinical mitzvah is exempt from a biblical mitzvah.

The *Mitzpei Aisan* on Daf 10b wonders why one who is going to receive his teacher, which is only a



rabbinical mitzvah, should be exempt from dwelling in a Sukkah, which is a biblical mitzvah.

The *Mitzpei Aisan* quotes a Ran in Shabbos who writes that a rabbinical mitzvah does not override a biblical mitzvah even by saying *sheiv vaal taaseh*, sit and do nothing. Rather, a biblical mitzvah will override a rabbinical mitzvah with *sheiv vaal taaseh*.

Reb Dovid Goldberg here quotes the *Bikkurei Yaakov* who writes that receiving one's teacher on Yom Tov is a biblical mitzvah of *es HaShem elokecha tira*, fear HaShem your G-d, which comes to include Torah scholars.

The Different Names of Tefillin – Pe'er, Tiferes and Oz

Rav Dovid Goldberg quotes *Rabbeinu Avraham min HaHar* who writes that Tefillin are referred to as *pe'er* because it is said *vrau kol amei haaretz ki sheim HaShem nikra olecho veyaru mimeka*, then all the peoples of the earth will see that the Name of Hashem is proclaimed over you, and they will fear you, and the Gemara in Brachos states these are *Tefillin shel Rosh*.

Rav Goldberg wonders then why a mourner is exempt from *Tefillin shel yad* which does not seem to be classified as *pe'er*.

Rav Goldberg suggests that the verse that states *and they will fear you* refers to *Tefillin shel Rosh* because they are visible, whereas the *Tefillin shel yad* are not visible.

He concludes that in reality, even *Tefillin shel yad* are referred to as *pe'er*.

The *Meshech Chochmah* at the end of *Parashas Bo* writes that we say in the prayer of *Vehu Rachum* on Monday and Thursday *ad masai uzcho bashvi vsiferatecho beyad tzar*, until when will your strength be in bondage and Your Splendor in the hands of the enemy? *Oz* refers to *Tefillin shel yad*, and *tiferes* refers to *Tefillin shel Rosh*.

The *Meshech Chochmah* seems to imply that *tiferes-pe'er* only refers to the *Tefillin shel Rosh*. Yet, the *Meshech Chochmah* himself in *Parashas Beshalach* writes that both *oz* and *pe'er* refer to Tefillin.

Perhaps when *oz* and *tiferes* are written together, one can distinguish between the *Tefillin shel yad* and the *Tefillin shel Rosh*.

Rashi in Ta'anis 16a and other Rishonim in Moed Katan, Kesuvos and Bava Basra seem to imply that *pe'er* refers only to *Tefillin shel Rosh*.

It is also possible that there is a distinction between *tiferes* and *pe'er*. The *Mishnah Berurah* in Hilchos Tisha B'Av quotes the Medrash that states that the verse that states *hishlich mishamayim erez tiferes Yisroel*, He cast down from heaven to earth the glory of Israel, refers to Tefillin, and that is why we do not wear Tefillin on Tisha B'Av morning.

DAILY MASHAL

Divorce through Words, not through Money

The *Gemora* states that a woman can only be divorced through writing, not by the husband giving his wife money and stating that the money should effect the divorce. The Torah states in the *Tochachah*, the rebuke that Moshe delivered to the Jewish People, that the Jewish People will be sold to Egypt and there will be no willing buyers. Hashem is forewarning the Jewish People that he will return them 'to their roots,' i.e. Egypt, indicating that He wishes to divorce Himself from them, but there will be no one interested in purchasing the Jewish People. This is because a divorce cannot be effected through money. Only Hashem's word can distance us from Him, and even then the prophet declares that Hashem never delivered a bill of divorce to the Jewish People. This idea demonstrates the great love that Hashem has for His Chosen Nation.

Great is the Mitzvah of Hosting Guests

The Gemara discusses the halacha of *oseik bimitzvah patur min hamitzvah*, one who is engaged in the performance of one mitzvah is exempt from performing another mitzvah. The question is raised with regard to Avraham Avinu who was receiving the Shechinah after he had been circumcised. When the angels came to visit him, Avraham left the Shechinah and went to attend to the guests. Why did Avraham not employ the principle of one who is engaged in one mitzvah, i.e. receiving the Shechinah, is exempt

from performing another mitzvah, i.e. hosting the guests?

I heard from Rav Chaim Uri Freund Shlita that Rav Noach Weinberg asked this questions and Rav Noach suggested that when Avraham was engaged in receiving the Shechinah, he then became aware of the necessity of performing the mitzvah of greeting guests. It is noteworthy that the Gemara in Shabbos states that we derive from Avraham Avinu the principle that receiving guests is greater than receiving the Shechinah. The Gemara should have challenged this principle based on the idea that one who is engaged in one mitzvah is exempt from other mitzvos. The mitzvah of receiving the Shechinah appears to be the mitzvah of *uledavka bo*, one is obligated to cleave to HaShem. According to the *Netziv* in *Heemek Davar*, Avraham was engaged in loving HaShem and receiving the Shechinah, and he was performing the mitzvah of loving HaShem. The *Netziv* writes that when one is engaged in the mitzvah of loving HaShem, he is obligated to interrupt his thoughts and perform another mitzvah, because the mitzvah of loving HaShem has no time frame. This, the *Netziv* writes, is the meaning of the Gemara in Shabbos that states that hosting guests is greater than receiving the Shechinah. This means that the action of hosting guests overrides the mitzvah of loving HaShem which has no time frame (see *Netziv* further). Receiving guests can be a number of mitzvos, such as *gemilus chasadim*, performing an act of loving-kindness (*Netziv*) or even *vehalachta bedrachav*, one should emulate HaShem. Just as HaShem is compassionate, also you must be compassionate.