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MISHNAH: 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. We may eat and drink casually outside the Sukkah. (25a1 - 25a2)

GEMARA: From where is this known? The *Gemara* cites a *Baraisa* as a source for the *Mishnah*'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 said 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 Gemara will proceed to explain the distinction*).

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

The *Gemara* 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 *Gemara* 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 *Gemara* 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 - 25a4)

The *Gemara* 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 *Baraisa*: *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 *Gemara* answers: Both sources are necessary, for if we 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 we 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 *Gemara* 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. – Is this not obvious? 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 Rabbi Abba bar Zavda said in the name of Rav 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 *Gemara* 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.

What is the reason for this? It is because they have to rejoice. The *Gemara* asks: But let them eat in the Sukkah and rejoice in the Sukkah? The *Gemara* answers: There is no proper rejoicing but in the marriage residence. The *Gemara* asks: But let them eat in the Sukkah and rejoice in the marriage residence? The *Gemara* answers: There can be no real rejoicing except where the wedding banquet is held. The *Gemara* 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 a 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 *Gemara* 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 eretz 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 *Gemara* 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.