

YESHIVAT HAR ETZION  
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)  
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**TALMUDIC METHODOLOGY**  
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In loving memory of Channa Schreiber (Channa Rivka bat Yosef ve-Yocheved, z"l),  
with wishes for consolation and comfort to her dear children  
Yossi and Mona, Yitzchak and Carmit, and their families,  
along with all who mourn for Tzion and Yerushalayim.  
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**Shiur #06: *Mitzta'er* (Part 1)**

The *gemara* in *Sukka* notes a unique *halakha* regarding the mitzva of sitting in a *Sukka*. Usually, mitzva performance is mandatory even if it is inconvenient. While there is a monetary cap that limits expenditure for the sake of *mitzvot*, discomfort or reasonable physical exertion do not exempt a person from the performance of a mitzva. Yet the *gemara* (25b) excludes a *mitzta'er* (someone who is uncomfortable) from *sukka* performance.

The *gemara* does not provide explicit reasoning for this unique ruling, but in all likelihood, the exemption is based on a related principle. The *gemara* (26b) rules that the *sukka* experience should approximate domestic conditions – “*teishvu ke-ein taduru*.” Since the Torah described the mitzva of sitting in a *sukka* with the verb “*teishvu*” (to dwell), the experience should resemble the way one normally dwells. For example, the *gemara* (28b) instructs moving furniture and dining utensils from the house to the *sukka* to recreate the home ambiance in the *Sukka*. Similarly, it would seem, a person who is uncomfortable is unable to experience “normal living conditions” in his *sukka*, and is therefore unable to properly perform the mitzva; his discomfort prevents the fulfillment of *teishvu ke-ein taduru*.

The Taz (640:1-8) provides a very different rationale for the *mitzta'er* exemption. Unlike other *mitzvot*, sitting in a *sukka* may require a greater awareness of the symbolism of the *sukka*. A well known Bach (actually based upon a comment of the *Shiltei Giborim* in the beginning of *Sukka*) requires understanding the inner symbolism of the mitzva of *Sukka* - remembering that *Ha-Kadosh Barukh Hu* liberated us from Egypt and sheltered us in the desert – in order to properly fulfill the mitzva. General mitzva performance DOES NOT require symbolic awareness, but *sukka* may be different. Even if we disagree with this minority opinion of the Bach and do not require awareness of the *sukka's* symbolism, we may still require FOCUSING upon the *sukka* without understanding its deeper symbolism. Discomfort may impede this focus and incapacitate the mitzva. According to the Taz, the exemption of *mitzta'er* may not be based on the inability to recreate a domestic environment, but rather on the fact that discomfort distracts the PERSON and prevents full performance of the mitzva.

The most obvious difference between the first approach and that of the Taz would involve a situation in which the *sukka* does not cause UNIQUE discomfort. The typical image of *mitzta'er* is of a person suffering from the weather conditions in the *sukka* and whose discomfort can be ALLEVIATED by relocating to the home. What would happen if the discomfort is experienced BOTH IN THE SUKKA AND THE HOME?

This is the basis of an interesting debate between the Yere'im (mitzva 421) and the Maharik (responsa 175). The former asserts that the exemption of *mitzta'er* would only apply if the house provides more comfortable conditions (and, indeed, the Shulchan Arukh rules this way). If the home is just as uncomfortable as the *sukka*, the mitzva still applies. The Maharik, however, maintains that any "reasonable" distraction exempts one from the mitzva, even if the home would provide equal distraction. Evidently, the Yere'im assumed that the *mitzta'er* rule is based on *teishvu ke-ein taduru* and the inability to simulate the house. If the house offers tranquility and the *sukka* turbulence, the *sukka* can no longer serve as a home. If the conditions are equally uncomfortable inside one's home, there is no reason to relocate, since the *sukka*, at that point, resembles a home. The Maharik, however, maintained that *mitzta'er* is an INDEPENDENT rule exempting one from the mitzva, perhaps because a

distracted person cannot fully execute the mitzva. Even if the home is equally uncomfortable, the mitzva is hampered by the lack of focus and the person is exempt.

Interestingly, the *gemara* ITSELF offers a case of discomfort that would not be alleviated by relocation and appears to render it *mitzta'er* – as the Maharik suggests –AGAINST THE RULING OF THE SHULCHAN ARUKH. R. Abba bar Zavda considered exempting an *avel*, a mourner, from the mitzva of *sukka* since his sadness creates a situation of *mitzta'er*. Ultimately, he rejects this application and instructs the *avel* to gain his composure and not allow the personal tragedy to interfere with the mitzva. However, the deliberation about this issue implies that an *avel* is INDEED considered a *mitzta'er*, even though relocating to his house will not alter or relieve his distress! This reflects the Maharik's position that any distress engenders *mitzta'er*, even if the distress exists in the home as well.

Sensing this problem, the Rosh asserts that an *avel* is inconvenienced in the *sukka* because he prefers to wallow in solitary suffering and consider his loss. The public nature of the *sukka* prevents this, while the quiet of the home enables it. The Rosh agrees with the Yerei'm that *mitzta'er* is based on trying to "copy" the home to the *sukka*, and only a discrepancy in comfort level between the two would allow the exemption of *mitzta'er* to apply or EVEN BE CONSIDERED. Hence, he was forced to explain why the internal suffering of an *avel* may have differing expression based on the environment. Ultimately, the *avel* is not as "comfortable" suffering in his *sukka* as he would feel "comfortable" suffering at home. This led the *gemara* to consider applying the rule of *mitzta'er* (but ultimately reject it). The great lengths to which the Rosh went to reveal the discrepancy between home and *sukka* for the *avel* reinforces his alignment with the Yere'im. A simpler reading of the *gemara* would most likely yield a view more reflective of the Maharik - that ANY discomfort, even the type felt EQUALLY at home, would entail *mitzta'er*.

A second manifestation of the basis for the *mitzta'er* rule may emerge from an interesting question regarding the very opposite of an *avel* - a *chatan*. The *gemara* (25b) excludes a *chatan* from *sukka* performance, once again without supplying a reason. Simple logic suggests that his involvement in a prior mitzva exempts him from engaging in a new one – "*ha-osek be-mitzva patur min ha-*

mitzva.” In fact, the previous *gemara* (25a) had outlined the laws of this principle and it is reasonable to assume that the proximate case of the *chatan*’s exemption from *sukka* is based on this logic. As the *gemara* claims, "his [mitzva of] *simcha* demands a *chupa*, which cannot be constructed in the *sukka*.”

Breaking with this simple approach, the Ra'avad (in his comments in Sefer Ha-Zechut) claims that a *chatan* would not be excluded based on prior mitzva engagement, but is rather excluded because he is a *mitzta'er*. The inability to construct a proper *chupa* in the *sukka* and celebrate properly creates the *mitzta'er* exemption. This exemption would clearly apply according to the Yere'im’s theory, since the *sukka* cannot provide the home option of *chupa* that a *chatan* requires. What is unclear is whether the Taz/Maharik exemption would apply. On the one hand, we may claim that his *simcha* prevents focus on the *sukka* and thus exempts him from the mitzva. The *gemara*, however, does not justify his exemption based on this factor, but rather focuses on his INABILITY TO CONSTRUCT a *chupa* in the *sukka*. According to the Taz’s logic, it is not this inability BUT RATHER HIS SIMCHA that hampers the mitzva. If we adopt the logic of the Taz, we may be forced to understand the *chatan* exemption based on *osek be-mitzva patur min ha-mitzva* and NOT BECAUSE OF MITZTA'ER.