YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

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**Shiur #17: The *Tarud* Exemption from *Mitzvot***

A person who is considered an *ones* (involuntarily withheld from performing a *mitzva*) is exempt from the performance of a *mitzva*. The factor that makes one *ones* may be internal, such as physical inability (illness or other) to perform the *mitzva*. Additionally, extrinsic factors can render an *ones* status, such as non-accessibility of requisite items to execute the *mitzva*. Several *gemarot* introduce a third potential form of *ones* – someone who is “*tarud*,” too preoccupied with a *mitzva* performance to execute a different *mitzva*. In this *shiur*, we will analyze the nature of the *tarud* exemption.

The *gemara* (*Sukka* 26b) establishes that a *chatan*, who is worried about succeeding in marital relations, is the prototypical case of *tarud*. As alluded to above, *tarud* may reflect a novel halakhic exemption. The original exemption of *ones* is derived from a *pasuk*. The *tarud* principle may be an extension of *ones* LOGIC – not only does physical inability to perform a *mitzva* excuse a person from *mitzva* performance, but psychological and emotional inability does as well.

Alternatively, *tarud* may represent a completely different logic. *Ones* only applies to physical deterrents, either inherent inability or lack of resources. *Tarud* is an extension of a different principle. The principle of *osek be-mitzva patur min ha-mitzva* excuses a person from switching from a previously engaged-in *mitzva* to a newly emergent one. The concept of *tarud* asserts that emotional preoccupation is also considered *osek be-mitzva*, even though the person is not physically engaged in the *mitzva*. Emotional immersion in a *mitzva* process is also considered *osek be-mitzva*, rendering the person eligible for the exemption of *osek be-mitzva patur min* *ha*-*mitzva*.

This second approach may be reflected in the *pasuk* employed to derive the *tarud* exemption. The general principle of *osek be-mitzva patur min* *ha-mitzva* is derived from the phrase “*be-shivtekha be-veitekha*,” which implies that a person is only commanded to perform a *mitzva* if otherwise involved in tranquil or personal pursuits. If a person is immersed in religious behavior, however, he is exempt from additional religious commandments. The very next phrase in the *pasuk*,“*u-velechtikha ba-derekh*,” teaches us the *tarud* exemption. *Derekh*, the road, is typically associated with a voluntary expedition. Presumably a *tarud* person is not considered in a voluntary ‘state of mind.’ Thus, a *chatan* worried about marital relations is preoccupied with a *mitzva* and excused from additional *mitzvot* he is not in a voluntary situation. As the principle of *tarud* is derived from a phrase IMMEDIATELY PROXIMATE to the phrase establishing the *osek* exemption, it is logical to suggest that *tarud* merely EXTENDS the definition of *osek be-mitzva* to someone who is emotionally engrossed, although not physically engaged.

To summarize, the principle of *tarud* may be understood in two very different manners. Either it extends the status of *osek be-mitzva* to someone who is emotionally preoccupied with a *mitzva* or it represents an unrelated *petur* based on viewing the *tarud* person as an *ones*. This question may affect several issues pertaining to the scope of *tarud*.

An interesting question surrounding the ability to apply *tarud* to *hechsher* *mitzva* emerges from the *gemara* in *Sukka* (26a). The *beraita* (26a) discusses the case of people who are journeying to perform a *mitzva*, exempting them from performing the *mitzva* of *sukka*. Although their exemption during the daytime is obvious since they are PHYSICALLY involved in a *mitzva*, their nighttime exemption is less logical. Rashi comments that at night, they are excused from *sukka* performance because they are mentally preoccupied and considered *tarud*. It is unclear from Rashi’s comment what excuses them from the *mitzva* of *sukka* – their nighttime mental preoccupation with the JOURNEY or their nighttime preoccupation with the ULTIMATE MITZVA*.* If Rashi maintains that mental preoccupation with the ACTUAL journey exempts them from *sukka*, then he presumably recognizes *tarud* about a *hechsher* *mitzva* as a legitimate exemption. The journey to perform a *mitzva* is not a *mitzva* itself, but only a *hechsher*, a preparatory enabler of the *mitzva*. Preoccupation about the journey is essentially *tarud* about a *hechsher* mitzva.

Presumably, this question revolves around the original issue of how to understand *tarud*. If *tarud* entails an independent exemption for someone who is mentally preoccupied with “*devar Hashem,*” *tarud* should apply to a *hechsher mitzva*. If, however, *tarud* extends the status of *osek be-mitzva* even to someone who is not physically involved, it may not apply to someone who is mentally engaged in *hechsher mitzva*. Mental engagement in the lead-up to a *mitzva* may not be sufficient to define the person as an “*osek be-mitzva.”*

A similar question emerges from a *gemara* in *Ketuvot* (6b) that discusses the permissibility of first marital relations on Shabbat. Depending upon very intricate *halakhot* of *eino mitkaven* and *pesik reisha*, this may entail Shabbat violation. Citing a *beraita* that excuses a new *chatan* from *keriat* *shema* the Friday night after his wedding, the *gemara* assumes that he is exempt because he is *tarud* about performing first *bi’ah* that night, implying that first *bi’ah* is indeed permissible on Shabbat. This is the classic application of *tarud* - the *chatan* who is mentally preoccupied with performing a *mitzva*. Rejecting this inference, the *gemara* responds that perhaps first *bi’ah* is FORBIDDEN on Shabbat but the *chatan* in question is excused because he is *tarud* about his INABILITY to perform first *bi’ah* because of Shabbat restrictions. He has not yet succeeded, and now that it is Shabbat, he is halakhically forbidden; this anxiety renders him *tarud* and exempt from *keriat shema*.

This instance of *tarud* is a situation of preoccupation with religious duties, but not with the actual performance of a *mitzva*. Presumably, preoccupation about halakhic INABILITY to perform a *mitzva* would render the *chatan tarud* if *tarud* represents an independent exemption. If *tarud* extends the *osek be-mitzva* status, however, it may only apply to someone who is *tarud* about the pending PERFORMANCE of a *mitzva*.

Finally, the nature of *tarud* may be probed by exploring the sweep of the exemption. Several *gemarot* (*Berakhot* 11, *Ketuvot* 6, and *Sukka* 25) exempt a *chatan* from *keriat* *shema*. A parallel *beraita* includes *birkhat ha-mazon* and *tefillin* (while obligating him to *keriat shema*). These *gemarot* limit the *tarud* exemption to *mitzvot* that require focused *kavana* or mental intent. Several sources suggest that *tarud* may also exempt a person from *mitzvot* in general. Rabbenu Chananel (in his comments to *Sukka* 25b) and the Rambam (*Hilkhot Keriat Shema* 4:1), among others, apply the *tarud* exemption to a broad range of *mitzvot*. Presumably, if *tarud* is an independent dispensation rendering mental preoccupation as *ones*, it may only exempt *mitzvot* like *keriat shema*, which require more focused concentration. The Torah acknowledges the inability to achieve this higher focus due to prior religious preoccupation and exempts a person from these *kavana*-based *mitzvot*. It is less likely that mental preoccupation per se would exempt from other, non-*kavana*-based *mitzvot*. If, on the other hand, *tarud* bestows the status of ACTUAL *osek be-mitzva*, he should be exempt from a broader range of *mitzvot*. In theory (depending upon the sweep of the *osek be-mitzva* category), an *osek* is exempted from all *mitzvot*, even those that are not *kavana-*based.