חוץ מן התפילין שנאמר בהן פאר –

Except for תפילין; regarding which it states, פאר

Overview

ר' אבא taught that an אבל is obligated in all the מצות except for תפילין since the פסוק refers to it as פאר (splendor). תוספות discusses how this explains that an אבל is exempt from donning תפילין.

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ואמרינן בפרק בתרא דמועד קטן (דף טו,א) מדאמר ליה רחמנא ליחזקאל[[1]](#footnote-1) פארך חבוש עליך -

And the גמרא states in the last פרק of מסכת מועד קטן, since the merciful One said to יחזקאל ‘put on your splendor’ (meaning your תפילין) -

מכלל דלעלמא אסור[[2]](#footnote-2) -

It is inferred from this that for everyone else it is forbidden –

תוספות cites a seemingly differing opinion:

ובקונטרס דפירש שנאמר בהן פאר ואבל מעולל בעפר קרנו וראשו[[3]](#footnote-3) -

And when רש"י explained that since the verse refers to תפילין as פאר, an אבל should not wear them since the radiance and the head of an אבל is dirtied with dust; seemingly indicating that the reason an אבל does not wear תפילין is because it is not appropriate to expose the פאר of תפילין to the עפר on his head (but not that we derive it from the פסוק of פארך חבוש עליך). תוספות responds that indeed (even) רש"י agrees with תוספות explanation that we derive the איסור from the פסוק of פארך חבוש עליך) and the reason רש"י mentions that ואבל מעולל בעפר קרנו וראשו -

היינו ליתן טעם דלא נילף שאר מצות מתפילין -

Is to give a reason why we do not derive other מצות from תפילין and say just as the אבל is פטור from תפילין he is also פטור from other מצות, therefore רש"י explains that תפילין is unique since it is a פאר and therefore inappropriate to have it on an אבל.

תוספות asks:

ואם תאמר ומאי שנא לגבי תפילין אמרינן דדוקא ליחזקאל נאמר ולא לשאר אבלים -

And if you will say; and why is there this difference; that regarding תפילין we assume that the statement of פארך חבוש עליך was said only to יחזקאל and not to other mourners (for they are forbidden to wear תפילין) -

וגבי תלמוד תורה ילפינן שאר אבלים מיחזקאל -

And regarding the (prohibition of) studying the תורה, we do derive other אבלים from יחזקאל that the other אבלים are the same as יחזקאל -

דאמרינן (שם) אבל אסור בתלמוד תורה מדאמר ליה רחמנא ליחזקאל האנק[[4]](#footnote-4) דום[[5]](#footnote-5) -

For the גמרא states there, ‘an אבל is forbidden to study תורה since the merciful One said to יחזקאל, ‘refrain (be silent) from sighing’.

תוספות answers:

ויש לומר דלאסור גמרינן דמדאסר רחמנא ליחזקאל לכולי עלמא נמי אסור -

And one can say that regarding a prohibition we derive from יחזקאל, that since the merciful One forbade יחזקאל from ת"ת, it is also forbidden for everyone else -

אבל[[6]](#footnote-6) להתיר לא גמרינן דליה לחודיה למשרי אתא:

However to permit wearing תפילין we cannot derive from יחזקאל, for the verse comes to permit יחזקאל exclusively to wear תפילין, but not anyone else.

Summary

תפילין are called פאר and a mourner is forbidden from wearing them (but is obligated in all other מצות), since ה' told יחזקאל not to mourn and wear his פאר. However a mourner is אסור בת"ת just as יחזקאל was also forbidden בת"ת.

Thinking it over

תוספות insists that we derive the איסור of תפילין for an אבל from the פסוק פארך חבוש עליך (and interprets רש"י to agree with this as well).[[7]](#footnote-7) However our גמרא merely states that an אבל is אסור בתפילין because they are called פאר (without mentioning the פסוק in יחזקאל). How can we reconcile פי' התוס' with our גמרא here?![[8]](#footnote-8)

1. יחזקאל כד,יז. The נביא is relating that ה' told יחזקאל that he is taking away from him מחמד עיניך במגפה (meaning his wife), but nevertheless יחזקאל should not mourn. [This was a symbolic prophesy that there will come a time where there will be so many deaths that there will not be a chance to mourn for all of them.] Among the things he was told was פארך חבוש עליך, the term פאר refers to תפילין, and since ה' told him (that a part of his not mourning is) to wear his תפילין, this indicates that a ‘regular’ mourner is not to wear תפילין (for if every mourner can wear תפילין, why the need to instruct יחזקאל that he should wear תפילין). [↑](#footnote-ref-1)
2. According to תוספות we derive the prohibition for an אבל to wear תפילין from the פסוק of פארך חבוש עליך (but not from the mere fact that תפילין is referred to as פאר). See ‘Thinking it over’. [↑](#footnote-ref-2)
3. See איוב טז,טו. [↑](#footnote-ref-3)
4. In our text in מו"ק the word האנק is omitted. (It is mentioned previously in regard to the ruling that an אבל is אסור בשאילת שלום.) [↑](#footnote-ref-4)
5. יחזקאל כד,כז. We derive from the word דום – to be silent – that he may not engage in the study of תורה which requires speech. [↑](#footnote-ref-5)
6. The general thrust of this נבואה was that יחזקאל should not mourn (like a regular mourner, see footnote # 1), therefore when ה' instructs him not to mourn by wearing תפילין, it is understood that this refers only to יחזקאל (but other mourners are forbidden from wearing תפינלין); however when the תורה forbids him to study תורה (as part of mourning; meaning that יחזקאל must keep this rule of mourning) it (certainly) applies to all other mourners as well. [↑](#footnote-ref-6)
7. See footnote # 2. [↑](#footnote-ref-7)
8. See מירא דכיא בית יעקב, and סוכ"ד אות סו. [↑](#footnote-ref-8)