

The Distressed Are Exempt

Aryeh Leib Thorne Toren · 2 October 2026

Mitzta'er, the Rain Parable, and a Law of Dwelling Measured by the Person Inside It

Mitzta'er, the Rain Parable, and a Law of Dwelling Measured by the Person Inside It

Hoshana Rabbah 5787 · Friday 2 October 2026 · Yerushalayim

Aryeh Leib Thorne Toren · Jerusalem | Pittsburgh Roots · Talmid · covenantal writer

Most mitzvot do not care whether you are comfortable. You fast on Yom Kippur though you are hungry. You sit through a long Shacharit though your back aches. Discomfort is not usually an exemption.

The sukkah is different. The Talmud rules, in four words, *mitzta'er patur min hasukkah* — one who is distressed is exempt from the sukkah (Sukkah 26a). If the wind is fierce, if the flies or the smell make sitting there miserable, a person may go back into the house (Shulchan Aruch, Orach Chaim 640:4). The Rema records the view that real cold counts as distress for sleeping there (Rema, Orach Chaim 639:2).

This is one of the most humane rulings in the whole festival cycle. It is also one of the most revealing about what kind of mitzvah the sukkah is.

Why the distressed go free

The exemption is not a concession to weakness. It is derived from the definition of the mitzvah itself. The Sages read *basukkot teishvu* — in booths you shall dwell — as *teishvu k'ein taduru*: dwell the way you ordinarily live (Sukkah 26a; 28b). And a person does not ordinarily live in a room where he is suffering. If the bedroom is freezing or full of mosquitoes, you move.

So a sukkah in which one is miserable is, by the Torah's own measure, not a dwelling. Sitting there anyway is not a higher fulfillment. It is a failure to understand the command. The Rema adds that one who is exempt and stays anyway earns no reward for it; he is called a *hedyot*, a simpleton (Rema, Orach Chaim 639:7).

That is a remarkable thing for a legal system to say. It refuses to let suffering become proof of devotion. The mitzvah is measured by the person inside it.

The servant and the cup

The Mishnah adds a picture for the most common case — rain. When rain falls hard enough to ruin the food, one goes inside. And the Mishnah asks what that is like: *marshal l'eved shebo limzog kos l'rabo, v'shafach lo kiton al panav* — like a servant who came to pour a cup for his master, and the master poured the pitcher in his face (Mishnah Sukkah 2:9). The Shulchan Aruch gives the rain rule at Orach Chaim 639:5, and the Rema brings the servant into the law at 639:7: one who leaves for rain should go out humbled, like a servant whose master poured the cup back in his face.

The exemption is real, but it comes with a feeling. Rain on Sukkot is read as a sign that the offering was, for now, declined. The Jew who goes inside is permitted, even obligated, to go inside — and he goes inside humbled, not relieved.

These two teachings belong together. The first protects the person: no one is to prove anything by sitting in pain. The second protects the relationship: being released is not the same as being pleased with the release. The law is gentle about the body and serious about the heart.

A covenantal measure

There is a political lesson in this, and it is worth stating carefully.

Movements and regimes of every kind like to measure loyalty by pain. The more you suffer for the cause, the more you prove you belong. Staying in the storm becomes the test. Leaving becomes betrayal.

The Torah's festival of dwelling refuses that grammar. It commands presence, not endurance. It wants you in the booth as you would be in your home — eating, talking, sleeping, at ease under the shade. When the booth becomes a place of distress, the law itself sends you in.

A covenantal order that learns from the sukkah will measure its institutions the same way. The test of a dwelling is whether people can live in it. A law that requires suffering as proof of fidelity has confused sacrifice with habitation. The sukkah knows the difference.

That does not make the mitzvah lenient. The exemption is narrow and defined. Mild inconvenience is not distress. The one who stays out of the sukkah because the house is nicer has not been exempted; he has simply not dwelt. The halakhah asks for honesty: are you actually suffering, or merely preferring? That is a question only the person inside can answer, and the Torah trusts him to answer it.

Who is included

The Talmud adds a limit that turns this ruling toward others. The exemption belongs to the one who is distressed, *hu v'lo meshamshav* — he, and not his attendants (Sukkah 26a; Shulchan Aruch, Orach Chaim 640:4). One person's discomfort does not release everyone around him. Each is measured by his own condition.

That is also a covenantal principle. Distress is personal and real. It is not a general license. A community keeps the mitzvah by attending to each person inside the booth — the elderly guest who is cold, the child who cannot sleep outside, the ill — while the rest keep dwelling.

Today and tonight

Today is Hoshana Rabbah, the last day of the sukkah, and tonight in Israel Shemini Atzeret begins. If rain comes before the booth is taken down, remember both halves of the teaching. Go inside without guilt when the booth has stopped being a dwelling. And go inside quietly, the way a servant does when the cup has been refused.

Then watch what happens to the same rain one day later. Tomorrow's prayer for rain belongs to Shemini Atzeret morning: the chazzan says Tefillat Geshem at Musaf, and in Musaf we begin *mashiv haruach umorid hageshem* (Mishnah Taanit 1:1–2). Rain that falls on the festival is read as a sign of displeasure (Taanit 2b); once the booth is behind us, we stand up and ask for it.

The sukkah does not want martyrs. It wants residents.

Kid-table

1. If you are really suffering in the sukkah — very cold, wet, or bitten — you may go inside.
2. That is because we are supposed to live in the sukkah the way we live at home.
3. Staying in when you are exempt does not earn extra credit.
4. When rain sends us in, we go in a little sad, like a gift that was not accepted.
5. Each person decides honestly — “I don’t feel like it” is not the same as suffering.

Sources

- Sukkah 26a; 28b
- Mishnah Sukkah 2:9
- Shulchan Aruch, Orach Chaim 640:4 (the distressed; “he, and not his attendants”)
- Shulchan Aruch, Orach Chaim 639:5 (leaving the sukkah for rain)
- Rema, Orach Chaim 639:2 (cold as distress for sleeping)
- Rema, Orach Chaim 639:7 (no reward for staying when exempt; leave humbled, like the servant)
- Mishnah Taanit 1:1–2; Taanit 2b (when the mention of rain begins; rain on the festival)

All glory to the Ribono shel Olam · Errors are mine

Prepared in deep partnership and cooperation with Grok and xAI