

TALMUDIC METHODOLOGY
By: Rav Moshe Taragin

Shiur #22: Rainfall on Sukkot

The *mishna* in *Sukka* (28b) describes a scenario of rainfall that interrupts a *sukka* experience, stating that in this situation, “We are allowed to relocate to a home.” The *gemara* concludes this description with a parable to describe the exemption: When our fulfillment of the *mitzva* of *sukka* is interrupted by rain, it is similar to a servant who presents his master with a cup of wine. The master, disinterested in this gesture, tosses the wine back in the face of the servant. Rainfall during Sukkot is equivalent to *Ha-Kadosh Barukh Hu* rejecting our “offer” of a *mitzva*. This *shiur* will explore the nature of the exemption of rainfall.

The simplest approach associates this situation with the general exemption of *mitzta'er*. As outlined in a previous *shiur* ([Teishvu Ke-Ein Taduru – Fashioning a Sukka like a Residence](#)), discomfort presumably exempts one from the *sukka* because the experience does not resemble *teishvu ke-ein taduru* and is not as “comfortable” as a standard residential experience. Significant rainfall renders the *sukka* uncomfortable, and the person is classified as a *mitzta'er*, who is excused from the *mitzva* of *sukka*.

However, several indicators suggest that rainfall is an **autonomous** exemption unrelated to *mitzta'er*. First, the *mishna* makes explicit reference to rainfall even though it does not explicitly discuss any other situation of *mitzta'er*. The general *mitzta'er* exemption is inferred from a statement of Rav (see *Sukka* 25b) and applied to several obvious cases (see *Sukka* 26a about a foul smelling *sukka*). The fact that rainfall is uniquely mentioned in the *mishna* might reflect the fact that rainfall is a completely different form of exemption.

Similarly, the Rambam presents the laws of rainfall on Sukkot in a different context than the laws of *mitzta'er*. He opens the 6th chapter of *Hilkhos Sukka* with a list of those exempt from *sukka*, and within that section he

includes various examples of *mitzta'er* (see *halakha* 2). Afterwards, he describes the “anatomy” of the *mitzva* – how to sit in the *sukka* and what conditions are necessary for fulfillment of the *mitzva*. He incorporates the laws of rainfall within this second list. Evidently, he distinguished between the exemption of *mitzta'er* and the exemption of rainfall, and he therefore cited them as separate rules.

Finally, the *mishna's* parable about a Master who rejects the offering of his servant implies that rainfall exempts *sukka* performance in a different fashion than *mitzta'er* exempts from the *mitzva*.

Perhaps rainfall does not qualify as *mitzta'er* because people typically experience rain as part of their daily routine. In this sense, it is unlike classic cases of **unusual** discomfort. Additionally, rain affects everyone equally – as opposed to *mitzta'er*, which affects certain people and exempts them from *sukka*, while not impacting others, who remain obligated. Since rainfall is **universal**, it cannot be considered *mitzta'er*. Instead, rainfall renders the *sukka* inept, since it doesn't provide basic shelter. The very purpose of a *sukka* is to provide shelter, and significant rain subverts this function of the *sukka*. Instead of constituting an exemption (*petur*) from the *sukka*, rainfall is *mafkia* (eliminates) the halakhic status of the *sukka*.

This new model yields some very interesting *nafka minot*. Chief among them is the ability to exempt under conditions of rain even if ACTUAL discomfort is not experienced. The *gemara* suggests a *shiur* of minimum quantity of rain necessary to exempt from the *mitzva* – if enough rain falls to ruin food, one is exempt. Does this only apply to someone who is actually **eating** and experiences **discomfort** from the ruined food, or does it apply even to someone isn't eating but who experienced the quantity of rainfall that typically would ruin food?

The Or Zarua rules that even if a person is not actively eating, he is excused when this quantity of rain exists. The Rambam's language implies this as well. Since the person is not eating, he isn't ACTUALLY experiencing discomfort, yet rainfall excuses him from the *mitzva*. Evidently, rainfall can be severed from the *mitzta'er* principle. The Tur, in contrast, maintains that rainfall will only exempt if the person is **actually** eating and the rain **actually** spoils his food. He apparently equates rainfall with *mitzta'er*, and thus insists that it entail **actual** suffering.

A second example of the rain exemption without ACTUAL discomfort stems from an interesting comment of the Ritva, who claims that the appearance of overcast rain clouds – even **before** actual rain commences – is sufficient to exempt from the *mitzva*. The rain has not begun and discomfort is not actually experienced in the case. According to the Ritva, clouds are halakhically sufficient to legally render the situation as one of "rainfall." In this state, the *sukka* isn't considered a *sukka* and there is no purpose sitting in it.

Perhaps this view of the status of rainfall compelled the *Shulchan Arukh* to disagree with the famous statement of the Rema obligating sitting in the *sukka* on the first night even under rainy conditions. As we discussed in a previous *shiur* (Is *Sukka* One *Mitzva* Made up of Separate Acts?), the Rema maintains that the *mitzva* to eat on the first night is an independent *mitzva* to eat that is imported from the *chag* of Pesach. It is therefore not subject to the standard rules of *teishvu ke-ein taduru* and the consequent exemption of *mitzta'er*.

Since the *Shulchan Arukh* does not cite this first-night exception, most commentaries maintain that he disagreed with the Rema's view. What is the reason for his disagreement? There are two possibilities. Possibly, the *Shulchan Arukh* maintains that the *mitzva* to eat on the first night is not an autonomous *mitzva* imported from Pesach, but rather a reinforcement of the standard *sukka*-based *teishvu ke-ein taduru* experience. The first night mandates experiencing the *sukka* in a manner unlike that of the rest of Sukkot, when a person is obligated in *sukka* only IF he chooses to eat or sleep. Since this *mitzva* implements *teishvu ke-ein taduru*, *mitzta'er* conditions such as rainfall are exempt. This strategy would focus the debate between the Mechaber and the Rema around the nature of the obligation on the first night, as the earlier *shiur* delineated.

Alternatively, the *Shulchan Arukh* may **agree** with the Rema that the obligation on the first night is an external *halakha* imported from Pesach and applied to the first night of Sukkot. Indeed, a person who experiences GENERAL discomfort is NOT exempt from *sukka* on the first night because an independent *mitzva* exists. However, according to the *Shulchan Arukh*, rain eliminates the status of *sukka* and there is no continued purpose to eating in the *sukka*.

Additionally this view that rain eliminates the very halakhic status of a *sukka* may help solve a famous question of the *Oneg Yom Tov*. The *gemara* (9a) claims that *sekhakh* is *assur be-hana'ah*; a person cannot derive non-*mitzva* related benefit from *sekhakh*. Accordingly, a person should not be allowed to sit in a *sukka* when it rains, since he is deriving shelter during a non-*mitzva* experience.

There are several different answers to this thought-provoking question. Many suggest that rain completely subverts the halakhic status of the *sukka*, thus allowing benefit from non-*mitzva* functioning *sekhakh*. As the *sukka* is no longer considered a halakhic *sukka*, the *sekhakh* loses its status, and benefit is now permissible. This solution is suggested by both R. Elchanan Wasserman (*Beitza, siman 70*) and the Tzafnat Pa'anei'ach in his comments to the Rambam.

Finally, viewing this exemption as unrelated to *mitzta'er* may help explain an interesting leniency regarding rainfall. The *gemara* (29a) claims that if rain forces an exit from the *sukka*, a person can finish his meal outside the *sukka* even if it stops raining. Similarly, if sleep was relocated to the house because of rainfall, one does not have to relocate to the *sukka* once the rain has ceased; he can conclude his current sleep or nap. Presumably, these leniencies would not apply to *mitzta'er*. If a person exited the *sukka* because of a foul odor, he would have to immediately return to the *sukka* once the odor has passed. Evidently, rainfall is DIFFERENT from classic *mitzta'er*; it subverts the very identity of the *sukka*. Since the current *sukka* experience began without the presence of a halakhic *sukka* (because rainfall has subverted that status), it can be concluded outside the *sukka* even once the *sukka* has regained its legal status and the rain has subsided. Unlike rain, classic *mitzta'er* only excuses the PERSON from sitting; once his excuse is eliminated, he must resume his experience.

It is possible that this question – whether rainfall constitutes classic *mitzta'er* or represents an autonomous exemption – was the subject of a debate between the *Amora'im*. (cited in *Sukka 29a*). R. Yosef was very finicky and wanted to excuse himself from *sukka* at the early stages of a rainstorm, when the wind began to blow debris in his direction. Abaye countered that he must wait until a requisite quantity of rain falls (enough to ruin foodstuffs). Perhaps R. Yosef maintained that rain excuses a person based on *mitzta'er*, which can be measured subjectively. Since he was extremely sensitive, he

had already reached the level of *mitzta'er* and could be excused. Abaye countered that rain does not constitute *mitzta'er*, but is rather a separate exemption once the *sukka* loses its legal status. As such, R. Yosef had to wait until a sufficient quantity of rain ruined the legal status of the *sukka*. This assumes that the episode included rain, and not just wind and debris. As such, they were disputing whether rain could be classified as classic *mitzta'er* or should be viewed as an independent exemption.