The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תר"מ סעיף ד'

Overview

Siman 640 Seif 4:

One who is distressed is exempt from the sukkah but not his attendants. (The first night one who is distressed must eat an olive's volume in the sukkah). **What qualifies as distressed? Someone who cannot sleep in the sukkah because of the wind, because of flies, mosquitos, and the like or due to smell. This applies only if the distress developed after the sukkah was constructed but one may not construct his sukkah in a place where there is a bad odor or wind and claim that he is distressed.** If one constructed the sukkah where he will be distressed while eating, drinking or sleeping or if one cannot engage in one of these activities because he fears thieves or robbers while he is in the sukkah he does not fulfill the mitzvah of sukkah altogether even during those activities that do not cause him distress since it is not a dwelling in which he can attend to all of his needs. If one's lamp went out in the sukkah and he has a lamp kindled in his home he may leave his sukkah to eat in the place where there is a lamp and is not required to go to a friend's sukkah where there is a lamp if it involves great exertion on his part. If the wind was about to extinguish one's lamp in his sukkah he may spread out a sheet or a garment on the side of the sukkah but not beneath the s'chach. If one cannot sleep in the sukkah because it is too narrow for him to stretch out his hands and feet he is not considered to be in distress and must sleep there even though he must bend his hands and feet. A person may not claim that he is in distress unless it is something that causes most people distress. A person in distress is not exempt unless leaving the sukkah will alleviate his distress but if not, he is obligated to sit in the sukkah even though he is in distress.

- It would seem that if the attendant is hired as an employee and throughout the year does not eat or sleep at home he may eat and sleep in the patient's house during Sukkos as well. (M.B. 14)
- Since there are Poskim who maintain that one who is distressed is exempt even the first night one should conduct himself in accordance with the parameters that relate to when it rains the first night. (M.B. 15)
- Someone distressed by the sukkah is exempt from all Sukkah activities but if he is distressed only when he sleeps he is obligated to eat in the sukkah. (M.B. 16)
- One fulfills his obligation of eating in the sukkah in a cold climate where it is not possible to sleep in the sukkah since sleeping there is not an option and theoretically if one had enough pillows and blankets he could sleep in the sukkah. (M.B. 18)
- One fears that they will physically harm him and this halacha applies even if one's fear is limited to nighttime. (M.B. 19)
- Some authorities disagree and contend that b'dieved one fulfills his obligation for eating since at that time he is not distressed. (M.B. 20)
- It is considered distressful to go to another person's sukkah. On the first night one should go to his friend's sukkah but should not recite the beracha. Chaye Adam writes that if a person chooses to endure this type of distress he may do so and even recite the beracha on the sukkah. (M.B. 22)
- If it is not too much exertion he must go to his friend's sukkah where there is a lamp. Similarly, if the rain stopped but the trees are still dripping and one cannot eat in his sukkah he must go to his friend's sukkah if there is no great exertion involved. (M.B. 23)
- It is obvious that someone who does not have space on his property to construct a sukkah must find a location to build his sukkah. (M.B. 24)
- In a pressing circumstance in which one would have to eat outside of the sukkah one may rely on the opinion that permits spreading out a sheet beneath the s'chach as long as it is within four tefachim of the s'chach. On Shabbos and Yom Tov one should be careful that the sheet should be within three tefachim of the s'chach. It is also permitted in this circumstance to spread out the sheet on top of the s'chach but because people will think that he is covering his sukkah with a sheet it should not be done unless it is evident that the sheet is there only to protect people from the wind. (M.B. 25)
- Someone who will be truly distressed by having to sleep in a crouched position is exempt from sleeping in the sukkah but remains obligated to eat there. (M.B. 26)
- If one is delicate and delicate people find this to be distressing they are exempt from sitting in the sukkah in that distressing circumstance. (M.B. 29)

Halacha Highlight

Leaving the sukkah due to guests who won't leave

Shulchan Aruch Siman 640 Seif 4

מצטער פטור מן הסכה

One who is distressed is exempt from dwelling in the sukkah

Shulchan Aruch and Rema discuss the parameters of the exemption from dwelling in one's sukkah due to distress – מצטער. Shulchan Aruch explains that the exemption occurs, for example when after constructing one's sukkah a foul smell develops or wind starts blowing that makes it distressing for one to remain in the sukkah. Rema adds that one may only claim the exemption of distress regarding those things that cause people in general distress and it is not a subjective measure for each person to individually claim that there is a cause for him to be distressed. Additionally, the exemption applies only when leaving the sukkah will alleviate his distress but in the event that going inside will not alleviate his distress he must remain in the sukkah despite his distress. The source for this exemption is derived from the word תשבו—you should dwell, which Chazal explain teaches that one should dwell in his sukkah the same way he lives in his home. If a person living in his home would leave due to something distressing, he may also leave the sukkah due to that same distress (מ"ב ס"ק י"ג).

Rema mentions as an example of distress if the lights in the sukkah were to go out on Shabbos and the lights in his house remain on. Since eating in the dark qualifies as distressing he may leave his sukkah to eat in his home and is not required to go to a friend's sukkah to eat if going to his friend's house would entail significant exertion. Mishnah Berurah (ס"ק כ"ג) writes that going to a friend's house is not sufficiently distressing to exempt him from going to his friend's house but when combined with the exertion necessary to move his stuff, he is exempt. Rav Yosef Shalom Elyashiv (זמן שמחתנו פ"ג אות א') rules that one is not exempt from sleeping in his sukkah if there are guests there that prevent him from being able to sleep. He likens this to one without a sukkah who must make an effort to have access to a usable sukkah. Rav Shlomo Zalman Auerbach (ספר הסוכה פסקים והערות אות כ"ט) rules that such a person is exempt since it is similar to one who is distressed by flies or mosquitos.