



## **AN OVERVIEW OF THE LAWS OF CHOL HAMOED**

**T**he days of Chol Hamoed are unique in their halachic status. Although the mitzvos specific to each Yom Tov such as sukkah on Sukkos and chametz on Pesach apply equally to Chol HaMoed and Yom Tov, when it comes to *melacha* (prohibited labor), Chol Hamoed differs significantly from Yom Tov proper. Certain *melachos* are prohibited on Chol Hamoed, yet under various circumstances these prohibitions are lifted. It is precisely because of this ambiguous prohibition that there emerged a fundamental dispute whether the laws that govern work on Chol Hamoed are from the Torah or are rabbinic in origin.

Rabbeinu Tam (cited in Tosafos, *Chagigah* 18a, s.v. *Cholo*) is of the opinion that according to the Torah, all *melacha* is permissible on Chol Hamoed. The Torah mandates that

Chol Hamoed is a time of rejoicing, when special korbanos are offered. To maintain the sanctity of this unique time, Chazal instituted limitations on certain kinds of *melacha* so we can celebrate Chol Hamoed properly. Rashbam (*Pesachim* 118a, s.v. *Kol Hamevazeh*) disagrees and holds that on a Torah level, certain types of *melacha* may not be performed on Chol Hamoed.

In a responsa, the *Mishkenos Yakov* (OC no. 38) suggests a compromise. In the days of the Beis Hamikdash, if one actually visited the Beis Hamikdash and offered korbanos, then *melacha* on Chol Hamoed would be prohibited on a Torah level. Today, in the absence of a Beis Hamikdash, the prohibition against performing *melacha* is rabbinic in nature.

Regardless of the nature of this prohibition, the laws of Chol Hamoed

are intricate. We will attempt to give an overview of the basic categories of halacha that govern *melacha* on Chol Hamoed.

### **Food Preparation**

All food preparation is permissible on Chol Hamoed. Even certain activities that are not permissible on Yom Tov such as detaching a fruit from a tree or squeezing fruit are permissible on Chol Hamoed (*Shulchan Aruch*, OC 533:1). There is no need to prepare food before Yom Tov to avoid doing so on Chol Hamoed (*ibid*). However, we may not prepare food on Chol Hamoed to be eaten after Yom Tov (*ibid*).

Not only is it permissible to prepare food on Chol Hamoed in a manner that would otherwise be prohibited, we may also perform *melacha* that is necessary to enable food preparation

*Chazal teach us that when we bid farewell to a friend, we should do so by discussing words of Torah. By doing so, the memory of our friend is forever joined to the eternal words of Torah that were shared. David Rottenstreich z"l was a beloved student who left us as he was immersed in the world of Torah. In the beis medrash and during shiur, his face radiated with "the words of Hashem that gladdened the heart." One of David's greatest joys was sharing Torah and spreading Torah. As we dedicate these divrei Torah in his memory, David continues to be forever connected to Torah as he was during his lifetime.*

(*MB 537:15*). As such, we may repair a refrigerator or oven on Chol Hamoed. This leniency is limited to items that directly contribute to the enhancement of food. Fixing a car on Chol Hamoed to enable us to purchase food would not be included in this leniency.

## **Bodily Needs**

Anything necessary to enhance bodily needs is permissible, similar to food preparation (*Beur Halacha 546:5, s.v. Kol*). Medical care is permissible, even if it is not life-threatening (*Shulchan Aruch, OC 532:2*). Annual checkups should be avoided since they can be scheduled for another time.

Haircuts and shaving should have been included in this category of bodily needs. Nevertheless, Chazal instituted a specific prohibition against cutting hair or shaving on Chol Hamoed. This was done to encourage everyone to be properly groomed before Yom Tov rather than relying on doing so on Chol Hamoed (*Moed Katan 14a*). There are differing opinions regarding one who shaves daily and shaved before Yom Tov, if he may shave on Chol Hamoed (see *Igros Moshe, OC 1:163* and *Nefesh Harav* pg. 189). There are also differing opinions concerning cutting nails on Chol Hamoed (see *Shulchan Aruch* and *Rama, OC 532:1*).

## **Needs of the Day**

If there are other needs that are not food related or bodily needs, we may perform *melacha* provided that certain criteria are fulfilled. First, the action must be something that will enhance either Chol Hamoed or Yom Tov. Second, it must be done in a non-professional manner (*ma'aseh hedyyot*). It is for this reason that regular

writing for a Chol Hamoed or Yom Tov need is permissible (*Rama, OC 545:1*). However, calligraphy or other professional-style writing is prohibited, even to enhance Chol Hamoed or Yom Tov. Nevertheless, many have the practice of writing in an abnormal fashion, even when it serves a purpose for Chol Hamoed or Yom Tov (*Rama, OC 545:5* and *MB 34*).

Laundry for Chol Hamoed or Yom Tov should have been included in this leniency. However, Chazal were concerned that people would wait until Chol Hamoed to launder their clothing rather than doing so before Yom Tov, and therefore they prohibited it on Chol Hamoed (*Moed Katan 14a*).

There are further grounds for leniency when it comes to communal needs.

If something is necessary for the community on Chol Hamoed or Yom Tov, we may even perform *melacha* that requires a professional (*Shulchan Aruch, OC 544:1*). There is a dispute whether this leniency is limited to the physical needs of the community such as fixing the road or whether it applies to the community's spiritual needs as well. As such, we find that the Rama prohibits building (or repairing) a shul on Chol Hamoed (*OC 544:2*). A similar question arises regarding the fixing of a sefer Torah on Chol Hamoed. Having a sefer Torah clearly constitutes a communal need. However, the need is only spiritual in nature in order to fulfill the mitzvah of kerias Hatorah and the only way to fix a sefer Torah is by using a professional. The accepted opinion is that we may fix a sefer Torah if there is no other Torah available (*Shulchan Aruch, OC 545:2*).

## **Preventing a Loss**

If *melacha* is necessary to prevent a financial loss, then it is permissible

on Chol Hamoed (*Shulchan Aruch, OC 539:4*). There is an important distinction between actual loss and loss of ability to profit (*ibid*). As an example, if we are concerned that by not going to work on Chol Hamoed we may lose our job, this is considered a *davar ha'aved* and we may work on Chol Hamoed. However, if we will not lose our job, but won't get paid for taking off, that would not be considered a *davar ha'aved* to justify working on Chol Hamoed.

When we assess that there is potential loss, it is not necessary to know with certainty that there will be a loss. Even if there is a realistic possibility that there will be a financial loss, we may perform *melacha* to prevent the potential loss (*Beur Halacha 537:1*).

## **Non-Melacha Activities**

Certain activities that don't involve actual *melacha* are also prohibited on Chol Hamoed. In situations where *melacha* is prohibited on Chol Hamoed, we may not instruct a non-Jew to perform the *melacha* on our behalf (*Shulchan Aruch, OC 543:1*). Additionally, certain business activities are prohibited even if no *melacha* is performed (*Shulchan Aruch, OC 539:1*). Therefore, buying and selling should be limited to items that enhance Chol Hamoed or Yom Tov.

Chazal (*Yerushalmi, Moed Katan 2:3*) observe that the limitations that are placed on Chol Hamoed help us focus on the significance of these days. May our proper observance of these halachos enable us to experience the beauty and sanctity of Chol Hamoed and appreciate this wonderful gift that Hashem bestowed upon us.