

(ט) וכִשְׁהוּא אוֹכֵל וְשׁוֹתָהּ, חַיֵּב לְהֵאָכִיל גַּם לַגֵּר לִיתּוֹם וְלֵאלֵמָנָה עִם שְׂאֵר הָעֲנִיִּים הָאֲמֻלְלִים, שְׁנֵאֲמַר, וְהִלּוּי וְהִגְרָה וְהִיתּוֹם וְגו'. אֲבָל מִי שְׁנוּעֵל דְּלִתֵּי חֲצֵרוֹ וְאוֹכֵל וְשׁוֹתָהּ הוּא וְאִשְׁתּוֹ וּבָנָיו וְאִינוּ מֵאָכִיל וּמִשְׁקָה לְעֲנִיִּים וּלְמִרֵי נֶפֶשׁ, אֵין זֶה שְׁמַחַת מִצְוָה, אֲלָא שְׁמַחַת פְּרִסוּ, וְעַל אֵלוֹ נֵאֲמַר, זְבַחֵיהֶם כְּלַחֵם אוֹנִים לָהֶם, כָּל אוֹכְלֵיו יִטְמְאוּ כִּי לַחֲמֵם לְנַפְשָׁם. וְשְׁמַחַת כְּזֹאת, קָלוֹן הִיא לָהֶם, שְׁנֵאֲמַר, וְזֵרִיתִי פָּרֵשׁ עַל פְּנֵיכֶם פָּרֵשׁ חֲגִיכֶם.

(י) כְּשֵׂאֲדָם אוֹכֵל וְשׁוֹתָהּ וְשִׂמַח בְּרַגְלֵהּ, לֹא יִמְשָׁךְ בֵּינָם וּבְשִׁחוּךְ וּבְקִלוּת־רֵאשׁ וַיֹּאמֶר כָּל מִה שְׁיֹסִיף בְּזֶה, יִרְבֶּה בְּמִצְוֹת שְׁמַחָה. כִּי הַשְׂכָּרוֹת וְהַשְּׁחוּךְ וְקִלוּת־הָרֵאשׁ, אֵינָה שְׁמַחָה. אֲלָא הוֹלְלוּת וְסִכְלוּת. וְלֹא נִצְטוּיָנוּ עַל הַהוֹלְלוּת וְהַסִּכְלוּת, אֲלָא עַל הַשְּׁמַחָה שְׁיֵשׁ בָּהּ עֲבוֹדַת יוֹצֵר הַכֹּל, שְׁנֵאֲמַר, תַּחַת אֲשֶׁר לֹא עֲבַדְתָּ אֶת־ה' אֱלֹהֶיךָ בְּשְׁמַחָהּ וּבְטוֹב לֵבָב מְרֵב כָּל. הֵא לְמַדְתָּ, שֶׁהַעֲבוֹדָה הִיא בְּשְׁמַחָה, וְאִי אֶפְשָׁר לְעַבֹּד אֶת ה', לֹא מִתּוֹךְ שְׁחוּךְ וְלֹא מִתּוֹךְ קִלוּת־רֵאשׁ וְלֹא מִתּוֹךְ שְׂכָרוֹת.

(יא) מִדַּת הַחֲסִידִים אֲשֶׁר ה' לְנִגְדָם תְּמִיד וּבְכָל דְּרָכֵיהֶם יִדְעוּהוּ, בְּעַת שְׁמַחְתָּם אִזּוֹ יוֹתֵר וַיּוֹתֵר הֵם מְבָרְכִין וּמְשַׁבְּחִין לְהַקְדוּשׁ־בְּרוּךְ־הוּא אֲשֶׁר שִׂמַח אוֹתָם. וַיֹּאמֶר הָאָדָם בְּלָבוֹ בְּעַת שְׁמַחְתּוֹ וְהִנָּאֲתוֹ, אִם כִּי הִיא שְׁמַחַת הָעוֹלָם הַזֶּה אֲשֶׁר הִיא הַבֵּל, כִּי יֵשׁ אַחֲרֶיהָ תּוֹגָה וְצִעֲרָה, מִה תִּהְיֶה שְׁמַחַת הָעוֹלָם הַבָּא הַתְּמִידִית, שְׂאִין אַחֲרֶיהָ תּוֹגָה. וַיִּתְפַּלֵּל לְהַקְדוּשׁ־בְּרוּךְ־הוּא, שְׁיִטָּה לָבוֹ לְעַבְדּוֹ וְלַעֲשׂוֹת רְצוֹנוֹ בְּלֵב שְׁלֵם, וְשִׁישְׁמַחְנוּ בְּשְׁמַחַת עוֹלָם, וַיִּזְכְּנוּ לַחַיֵּי הָעוֹלָם הַבָּא לְאוֹר בְּאוֹר פְּנֵי מֶלֶךְ חַיִּים.

(יב) חַיֵּב כָּל אָדָם לְהַשְׁגִּיחַ עַל בְּנֵי־בֵיתוֹ שֶׁלֹּא יִטְלוּ בְּמָקוֹם שְׂבִיבוּא חֵס וְשְׁלוֹם לִיְדֵי קִלוּת־רֵאשׁ בְּהַתְעַרְבָם עִם קְלֵי הַדַּעַת, רַק יִהְיוּ קְדוּשִׁים, כִּי קְדוּשׁ הַיּוֹם.

(יג) בְּמוֹצָאֵי יוֹם־טוֹב לַחֵל אוֹ לַחֲלֵה־מוֹעֵד, אוֹמֵר בְּתַפְלָה, אֶתְּהָ חוֹנְנָתְנוּ, וּמְבַדִּיל עַל הַכּוֹס, אֲבָל לֹא עַל הַיַּיִן וְלֹא עַל הַבְּשָׂמִים.

(יד) נוֹהֲגִין לְהַרְבּוֹת קִצַּת בְּאֲכִילָה וּשְׂתֵיָהּ בַּיּוֹם שֶׁלְאַחַר הַחַג בְּכָל שְׁלֹשׁ רְגָלִים, וְהוּא אֶסְרוּ חָג. וְנוֹהֲגִין שְׂאִין מִתְעַנְיִן בוֹ, אֶפְלוּ חֲתָן וְכֹלָה

9) And when you eat and drink, it is your duty to provide also for the orphan, the widow and other needy people, as it is said, "And the Levite, the proselyte, and the orphan etc. . . ." (*Deuteronomy* 16:14). He who locks the doors of his courtyard, and eats and drinks with his wife and children and does not give food and drink to the poor and unhappy souls, is not rejoicing in a mitzvah, but rejoicing in his gluttony. Concerning such people it is said,¹⁹ "Their sacrifices will be to them like the bread of mourners; all who eat of them will be unclean; for their bread will be for their souls." And such rejoicing is a disgrace for them as it is said,²⁰ "I will spread dung on your faces, the dung of your festival offerings."

10) When a person eats and drinks, and rejoices on the festival, he should not overindulge in drinking wine, in laughter and lightheadedness, thinking that the more he indulges, the greater will be the mitzvah of rejoicing. For drunkenness, mockery and lightheadedness is not rejoicing, but licentiousness and foolishness. And we were not commanded to act licentiously and foolishly, but to rejoice in the service of the Creator of all things, as it is said, "Because you did not serve Adonoy, your God, with happiness and a glad heart, when you had plenty of everything."²¹ From this we infer that the service of God must be done with joy, but you cannot serve God in frivolity, or lightheadness or in drunkenness.

11) It is the way of the pious, who constantly have God before them, and who are mindful of Him in all their ways, when they rejoice, to greatly bless and praise the Holy One Blessed is He Who enabled them to rejoice. A man should say to himself at the time of his rejoicing and pleasure, "If the happiness of this world is so great, (a world) which is vanity because it ends in grief and sorrow, how great will be the eternal joy of the World to Come which is not followed by grief." And he should pray to the Holy One Blessed is He that He bend his heart to serve Him and to do His will wholeheartedly, and that He should gladden us with everlasting joy, and make us worthy of the life of the World to Come, to be enlightened by the light of the presence of the Living King.

April 28 12) Every man is obligated to prevent²² the members of his household from congregating in places which, Heaven forbid, could lead to levity, through association with lightheaded people. They should be encouraged to be holy because the day is holy.

13) At the conclusion of a Yom Tov that is followed by a weekday or *Chol Hamoed*, *Atah chonantanu* is said in the *Shemoneh Esrei*, and *Havdalah* is said over a cup [of wine.] However, the berachah is not said over the candle, or over the spices.

14) It is customary to eat and drink a bit more lavishly [than usual] on the day after all three festivals. That day is called *Isru chag*, and it is customary not to fast

19. *Hosea* 9:4.

20. *Malachi* 2:3.

21. *Deuteronomy* 28:47.

22. When *Beis Din* (Jewish courts) were empowered, it was their duty to dispatch officers to patrol and prevent the gathering of men and women for social eating and drinking etc. (*Rambam, Shulchan Aruch* 529:4)

ביום חפתו, ולא יארציט. ובאסרו חג שלאחר חג השבועות, גם מצד הדין אסור להתענות בו, לפי שבזמן שבית-המקדש היה קיים, אם חל שבועות בשבת. היה יום טבוח הקרבנות ביום שלאחריו. אבל של פסח ושל סכות, היו מקריבין ביום ראשון דחל המועד.

סימן קד דיני חל-המועד

(א) חל-המועד אסור בקצת מלאכות ומתר בקצתו, דהינו כל מה שהוא לצורך אכילה לחל-המועד או ליום-טוב. וכן מלאכה בדבר האבד, דהינו שאם לא יעשנה יבוא לידי הפסד, מתר לעשותה. וצריכין לזהר מאד, שלא לעשות בחל-המועד מלאכה האסורה, פי אמרו רבותינו זכרונם לברכה, המחליל את חל-המועד, כאלו עובד עבודה-זרה.

(ב) עוד אמרו רבותינו זכרונם לברכה, המבזה את חל-המועד, אף-על-פי שיש בידו תורה ומעשים טובים, אין לו חלק לעולם הבא. והמבזה, הינו, שאינו מכבדו במאכל ובמשקה ובכסות. ולכן כל אדם חייב לכבדו כפי כחו, וללבוש בגדים מכבדים.

(ג) מלאכת דבר האבד יכול לעשות גם על ידי ישראל אחר, אפלו בשכר. אבל מה שאינו דבר האבד אלא שהוא לצורך המועד, אין לעשות על ידי ישראל אחר בשכר, אלא על ידי גוי. ואם אינו מוצא

1. Concerning the halachic status of the prohibition against *melachah* on *Chol Hamoed*, there are two basic views among the early *poskim*. *Rif*, *Rashi* and others consider it to be a *de'oraisa* (a Scriptural prohibition), while *Rambam*, *Rabeinu Tam* and *Rosh* regard it as an *issur de'rabbanan* (A Rabbinic prohibition). It is interesting to note that even *Rif* and *Rashi* concede that this prohibition is unique in that the Sages were granted full authority to determine which forms of work to permit and which to prohibit on *Chol Hamoed* (see *Maseches Chagigah* 18:a).

2. The preparation of food for Yom Tov may be done even in a professional manner. (*Mishna Berurah*) 530:1

3. *Nishmas Adam* 105:1 says that according to *Beis Yosef*, if there is only a possibility of incurring a loss, you are not allowed to do a *melachah* to protect yourself. In *Chayei Adam* 106:5, he says that it should be done through a non-Jew in this case. *Magein Avraham* 537, *Ke'Sav Sefer* 102, *Maharam Shick* rules that you may do it yourself. *Peri Megadim* rules that it depends if the *melachah* is *de'oraisa* or Rabbinic. *Mishnah Berurah* 537:1 maintains that if it is likely that you will incur a loss, you may do the *melachah*, but it should be done in private, if possible.

on that day. Even a groom and bride on their wedding day [do not fast] ,and a person observing *yahrzeit* [should also not fast on *Isru chag*]. On *Isru chag* following Shavuot, even according to *halachah*, it is forbidden to fast, because when the *Beis Hamikdash* was in existence, if Shavuot occurred on Shabbos, the sacrifices were offered on the following day. But on Pesach and Sukkos, they were offered on the first day of *Chol Hamoed*.

Chapter 104

Laws of Chol Hamoed

(Intermediate Days of a Yom Tov)

1) On *Chol Hamoed* it is forbidden to do certain *melachos*,¹ while others are permitted, namely, all work that is necessary for the preparation of food² for *Chol Hamoed* or Yom Tov. Any *melachah* that is done to prevent a loss, that is, if by not doing it you will incur a loss,³ may be done.⁴ But you should be very careful not to do any *melachah* that is forbidden on *Chol Hamoed* because our Rabbis, of blessed memory, said: "He who desecrates *Chol Hamoed* is considered as though he worshipped idols."⁵

2) In addition, our Rabbis, of blessed memory, said:⁶ "He who disgraces *Chol Hamoed*, even though he has to his credit Torah and good deeds, has no share in the World to Come." Disgracing *Chol Hamoed* implies not honoring it with better food and wearing better clothes.⁷ Therefore, every man is obligated to honor it according to his means,⁸ and to wear dignified clothing.

3) Work, which, if not done, would result in a loss, may be done even by another Jew, even for payment.⁹ But, if no loss would result, but the work is needed for the festival, it should not be done by another Jew for pay, but by a non-Jew.¹⁰ And if

4. This is true only if it does not involve a major imposition. (*Shulchan Aruch* 537:2) If it does, it is forbidden only if it is a *melachah de'oraisa*. (*Machatzis Hashekel* 536:3, *Magein Avraham*) To prevent a major loss, perhaps it is permitted, even if major imposition is involved. (*Peri Magadim* 540:7)

5. This applies even according to those who maintain that a *melachah* on *Chol Hamoed* is a Rabbinic prohibition. (see *Magein Avraham* 530 and *Chayei Adam* 106:1)

6. *Pirkei Avos* 3:11.

7. *Rashi* and *Bartenura* (*Pirkei Avos*). *Rabbeinu Yonah* and *Sha'ar Hakedushah* explain that it means not desecrating *Chol Hamoed* by doing a *melachah*.

8. See *Sha'ar Hatziyun* 530:4. You are obligated to honor it, but not to the extent that you are obligated on Yom Tov. Therefore, although it is meritorious to eat two meals a day with bread, it is not an actual obligation. Also your clothing should be nicer than during the weekdays, but need not be Shabbos clothing. (see *Magein Avraham* 664:3) In our times, many people including Chassidim and Bnei Torah, wear their Shabbos clothing on *Chol Hamoed*, especially in Eretz Yisroel. This was also the custom of the *Maharil*.

9. *Ramah* 542:1, *Kol Bo*. *Rabbeinu Yerucham*, permits this only when done without pay. *Ritva* and *Levush* rule that if you have no other option, you may even pay a Jew. This is also the ruling of *Mishnah Berurah* 542:1.

10. Or a Jew without pay.

גוי, וגם בעצמו אינו יכול לעשות, מתר אפלו על ידי ישראל בשכר.

ד) הא דמתר לעשות דבר האבד, זהו דוקא אם לא היה אפשר לו לעשותו קדם יום-טוב. אבל אם היה אפשר לו לעשותו קדם יום-טוב והניחו עד חל-המועד, אסור לעשותו בחל-המועד.

ה) כל מלאכות האסורות לעשות בחל-המועד, אם יש כאן ישראל שאין לו מה לאכל כראוי לחל-המועד ויום-טוב, מתר לעשותן על ידו, כדי שיהא לו מה לאכול. ומכל מקום יעשה בצנעא, ואסור לעשותן על ידי גוי. אף לצרף מצוה, מתר.

ו) אפלו מלאכות המתרות, אסור לעשותן בשביל גוי.

כ' ניסן ז) אסור לזבל שדהו. ואפלו להכניס שם צאן בשביל שיעשו שם זבל, אסור. ואפלו על ידי גוי, אסור.

ח) זריעה, אסורה. ואם יש לו זרעים, שאם לא ישקם במים יפסדו לגמרי, מתר להשקותם.

ט) אסור לתלוש או לקצוץ שום דבר מן המחבר אם לא יתקלקלו הפרות עד לאחר יום-טוב, כי אם מה שהוא צריך לאכול במועד. ואינו צריך לצמצם, אלא תולש בהרוחה, ואם יותיר, יותיר. וכן עצים שהוא צריך להסקה במועד, מתר לקצצם ממחבר. ואם צריך לתלוש בשביל להאכיל לבהמה, יעשה בשנוי. ואסור ללקט עצים מן השדה ליפותו לחרישה. ואם נפר שמכונן לצרכו שצריך לעצים, כגון שנוטל הגדולים ומניח הקטנים, מתר. וכן אסור לקצוץ ענפי האילן לתקנו. ואם נפר שמכונן בשביל הענפים להאכילן לבהמתו ולא לתקנו, כגון שקוצץ פלן מצד אחד, מתר.

11. Ritva, Mishnah Berurah 542:2.

12. This is also true if you mistakenly thought it could wait until after Yom Tov (Shulchan Aruch 538:1), or you forgot it was *erev* Yom Tov. (Peri Megadim M.Z. 540)

13. This applies even if you thought you are allowed to do this and even if you thought you would get around to it later and then forgot about it. (Maharsham)

14. Shulchan Aruch 538:6. This does not apply to a *melachah* for the preparation of food. (see Shulchan Aruch 533:1 and Mishnah Berurah 533:2)

15. Eliyahu Rabbah, Nishmas Adam 105.

16. If this is not possible, he may do it in public if he does not have even bread and water.

you cannot find a non-Jew, and you are unable to do it yourself, it is permitted¹¹ to have it done, even by a Jew for pay.

4) The law that permits *melachah* in order to prevent a loss, applies only if it was impossible¹² for you to do it before Yom Tov, but if it was possible for you to do it before Yom Tov, and you left it for *Chol Hamoed*,¹³ you are forbidden to do it on *Chol Hamoed*.¹⁴

5) Any work that is forbidden on *Chol Hamoed*, [is permitted in the following circumstances,] if a Jew does not have enough food for *Chol Hamoed* and Yom Tov,¹⁵ it is permitted to give him work, so that he will have something to eat, but he should do it in private.¹⁶ It is forbidden to have such work done by a non-Jew,¹⁷ but if it is needed for a mitzvah, it is permitted.¹⁸

6) Even *melachos* that are permitted, are forbidden to be done for a non-Jew.¹⁹

April 29 7) It is forbidden to fertilize a field.²⁰ Even to put sheep in a field to fertilize it with manure is forbidden.²¹ Even to have it done by a non-Jew is forbidden.

8) Planting is forbidden. However if you have seeds that will spoil completely, unless they are put into water, you are permitted to water [soak] them.²²

9) It is forbidden to pluck or cut off anything that is growing, unless the fruit will spoil²³ [if left] until after Yom Tov. It is permitted to pluck what you need to eat on Yom Tov, and you do not have to skimp. You may pick a generous quantity, and if there is some left over, it does not matter.²⁴ Also, wood that is needed for heating on the festival, is permitted to be cut from a growing tree. If it is necessary to pick something in order to feed your animals, it should be done in an irregular way. It is forbidden to collect wood from a field in order to improve it for plowing. But if it is obvious that you intend it for your own need, because you need the wood, for example, if you take the big pieces and leave the small ones, it is permissible. Similarly, it is forbidden to cut off the (soft) branches of a tree in order to trim it. But if it is obvious that your purpose is to feed the branches to your animals, and not to trim the tree, for example, if you cut all the branches from one side of the tree, it is permitted.²⁵

But if he has bread and water, none of the *poskim* permit him to work in public in order to eat properly on Yom Tov. (*Peri Megadim* 542, *Mishnah Berurah*, *Sha'ar Hatziyun* 542:14)

17. *Shulchan Aruch* 543:1.

18. *Magein Avraham*.

19. *Chayei Adam* 106:11.

20. It is a *toldah* of the *melachah* of plowing. (*Levush*)

21. *Shulchan Aruch* 537:14.

22. See *Shulchan Aruch* 537 for details.

23. If they will spoil, it is for the prevention of loss and is permitted, if there is not much bother. In order to prevent the loss of profit, you may only do a *melachah* that is of Rabbinic status, and only if no bother is involved. (*Peri Megadim* 533:6)

24. See *Shulchan Aruch* 533:1.

25. See *Shulchan Aruch* 537. The rule is that your intent must be for something permissible, and this intent must be obvious. (*Mishnah Berurah* 537:34, *Levush*, *Gra*)