

(טז) מי שצריך למעות אפלו שלא לצורך המועד, אלא שהוא חושש פן לא ימצא ללוות לאחר המועד, והמלוה אינו רוצה להלוות לו בלי שטר, מתר לו לכתוב את השטר.

(יז) אין נושאין נשים בחל-המועד, משום דאין מערבין שמחה בשמחה. אבל מתר להחזיר גרושתו. ומתר לעשות משתה לברית מילה ולפדיון הבן. גם מתר לעשות משתה לכתובת תנאים.

(יח) מתר לשכור פועלים, ואפלו ישראלים, שיעשו מלאכתו לאחר המועד.

(יט) מתר ללכת חוץ לתחום, בין ברגליו בין בקרון בין רכוב.

(כ) אין מעלין בהמה זכר על נקבה להרביעה, משום דלא הוי דבר האבד.

(כא) אין מושיבין תרנגולת על בצים לגדל אפרוחים. ואם הושיבה קדם המועד וברחה, אם זה בתוך שלשה ימים לבריחה, מתר להחזירה. אבל לאחר שלשה ימים, אסור להחזירה, אפלו אם יפסדו הביצים. ולהושיב אחרת תחיתה, אפלו תוך שלשה ימים, אסור.

כא' ניסן

סימן קה

### דברים האסורים משום טרחא

(א) אסור להסיע ולשא מטלטליו וכלי ביתו בחל-המועד מדירה שבחצר זו לדירה שבחצר אחרת, אפלו מדירה כעורה לדירה נאה. אבל מבית לבית בחצר אחת, מתר. וכן אם שתי החצרות סמוכות ויש פתח ביניהן, מתר להוציא החפצים דרך שם. ובמקום פסידא, מתר

45. *Magein Avraham* 545:23.

46. Even without a meal. (*Maharsha, Ra'anach Magein Avraham* etc) But if it is made with a meal, it then becomes a *de'oraisa* prohibition. (*Eliyahu Rabbah* 546)

47. *Maseches Moed Katan* 8b.

48. *Shulchan Aruch* 546:2. *Beis Yosef* holds you should not make the meal on the same day. *Kesav Sofer* Responsum 79 says according to *Tosafos* and *Rosh* you may. (see *Mishnah Berurah* 546:7)

16) A person who needs money, even if not for Yom Tov needs, and is afraid that he might not get a loan after Yom Tov, and the lender refuses to give a loan without receiving a note, is permitted to write such a note.<sup>45</sup>

17) Weddings are not performed on *Chol Hamoed*<sup>46</sup> because one kind of rejoicing<sup>47</sup> should not be mixed with another. But one is permitted to remarry the woman he divorced.<sup>48</sup> It is permitted to make a feast for a circumcision, or the redemption of a firstborn. It is also permitted<sup>49</sup> to make a feast for an engagement.<sup>50</sup>

18) It is permitted to hire workers, even Jews,<sup>51</sup> to do work for you after Yom Tov.

19) You are permitted to go outside the *techum*, either on foot or in a vehicle,<sup>52</sup> or on horseback.

20) It is not permitted to mate a male animal with a female animal, because no loss is sustained [by delaying it]

21) You are not allowed to set a chicken on eggs to hatch them. If you set her before the festival and she ran away, if it is within three days from the time she ran away, you are permitted to put her back, but after three days, you are forbidden to put her back, even if the eggs will be spoiled. And to set another in her place, even within three days is forbidden.

## April 30

## Chapter 105

### Things Forbidden Because They are Bothersome

1) It is forbidden to move and carry movable belongings and household utensils on *Chol Hamoed*, from an apartment in one courtyard to an apartment in another courtyard, even from an unattractive apartment to a nice one.<sup>1</sup> But to move these items from one house to another in the same courtyard, is permitted.<sup>2</sup> Similarly, if the two courtyards are adjacent to each other, and there is a door between them, it is permitted to take things out through that door. However, if you would otherwise incur a loss, you are permitted to move these articles even from one city

49. *Shulchan Aruch* 546:4.

50. *Eliyahu Rabbah*, *Chayei Adam* 117:11. *Mishnah Berurah* 546:2 rules that if you are not serving a whole meal, but just cake etc., there is certainly no need to be stringent.

51. *Rambam*, *Magein Avraham*. (*Eliyahu Rabbah*, however, permits hiring only non-Jewish workers).

52. You are allowed to repair your vehicle for travel to meet a friend or to profit in order to purchase holiday necessities. But you may not do so in order to profit for other needs. (*Peri Megadim* 536:1) Going on an outing is considered a Yom Tov need, and you may repair your vehicle to go on one. (*Shulchan Aruch*, *Ramah* 536:1)

1. *Shulchan Aruch* 535:1. If these items are necessary for the *Moed*, and it is obvious that it is so, you may do it even openly. (*Eliyahu Rabbah*, *Mishnah Berurah* 535:4)

2. Because there is less bother and less publicity. (*Mishnah Berurah*)

אָפּלוּ מַעִיר לַעִיר. וְכֵן מִדִּירָה שְׂאִינָה שְׁלוֹ לְדִירָה שֶׁהִיא שְׁלוֹ, מִתָּר מְשׁוּם שְׂמַחַת יוֹם־טוֹב, שְׂמַחָה הִיא לוֹ לְדוֹר בְּדִירָה שֶׁהִיא שְׁלוֹ.

(ב) אִם צָרִיךְ לְהַכְנִיס פְּרוֹתָיו אוֹ שָׂאָר סְחוּרָה מִפְּנֵי שֶׁהוּא יֵרָא מִפְּנֵי גִנְבִים אוֹ מִשָּׂאָר הַפֶּסֶד, כָּל מָה שְׂאֵפְשֵׁר לַעֲשׂוֹת בְּצַנְעָא, יַעֲשֶׂה. וְאִם אֵי אֵפְשֵׁר לַעֲשׂוֹת בְּצַנְעָא, מִתָּר לַעֲשׂוֹת אָפּלוּ בַּפְּרָה־סִיָּא.

### סימן קו

#### דיני מקח וממכר בחל-המועד

(א) כָּל סְחוּרָה, אֲסוּרָה, בֵּין לְקִנּוּת בֵּין לְמִכּוּר. רַק אִם נִזְדַּמְּן לוֹ רוּחַ מְרֵבָה, יְכוּל לְקִנּוּת וְלְמִכּוּר בְּצַנְעָא, וְיוֹצִיא לְכַבּוּד יוֹם־טוֹב יוֹתֵר מִמָּה שֶׁהִיא בְּדַעְתּוֹ הַלְּהוֹצִיא.

(ב) אִם יֵשׁ לוֹ סְחוּרָה שְׂיֵשׁ לְחוּשׁ שְׂאֵם לֹא יִמְכְּרָנָה עֵתָה יִפְסִיד מִן הַקָּרוֹ, מִתָּר לְמַכְרָה, מְשׁוּם דְּהוּי דְּבַר הָאֲבָד. אֲבָל אִם אֵין לְחוּשׁ שְׂיִפְסִיד אֲלֹא שְׁלֹא יְרוּיחַ אַחַר כֵּן, אֲסוּר לְמַכְרָה. כִּי מְנִיעַת רוּחַ, לֹא מְקַרֵי הַפֶּסֶד.

(ג) אִם חָל יָרִיד, שֶׁהוּא יוֹם הַשּׁוּק הֵבֵא לְפָרְקִים, אוֹ יוֹם הַשּׁוּק שְׂבָכָל שְׁבוּעַ, אֲלֹא שְׁעֵתָה הוּא קֹדֶם הַחֲגָאוֹת שְׂמַתְאֲסָפִים קוֹנִים הַרְבֵּה, מִתָּר לְמִכּוּר. דְּכִינּוּן שֶׁהוּא דְּבַר שְׂאִינוּ תְּדִיר, חֲשָׁבִינוּ גַם מְנִיעַת הַרוּחַ כְּמוֹ הַפֶּסֶד. אֲבָל בְּיוֹם הַשּׁוּק שְׂבָכָל שְׁבוּעַ, אֲסוּר. וְכִשְׂבָּאִים לַפְּעֵמִים סוּחְרִים אוֹ סְפִינּוֹת שְׂמוֹכְרִים בְּזֶל אוֹ קוֹנִים בְּיָקָר, מָה שְׂאִינוּ שְׂכִיחַ תְּמִיד, גַם כֵּן מִתָּר לְקִנּוּת מֵהֶם וְלְמִכּוּר לָהֶם.

(ד) וְכֵן מִי שְׂצָרִיךְ לְקִנּוּת יֵין בַּעַת הַבְּצִיר, שֶׁיְהִיָּא לוֹ לְצָרְכֵי בֵיתוֹ

3. *Ramah*.

4. *Shulchan Aruch* 535:2 says this applies, even if you move from a nice one to an unattractive one. If you shared a rented room with someone, you may move to a private rented room. (*Peri Megadim* 535:2) If you already live in your own house and want to bring your belongings from another house, this reason (happiness of moving into your own house) does not apply (*Minchas Pittim*) and you should not be lenient. (*Mishnah Berurah* 535:7)

5. *Shulchan Aruch* 538:2.

1. The Sages prohibited commerce on *Chol Hamoed*, since it often involves physical or mental stress which detracts from the festival. (*Magein Avraham* 539:1, *Mishnah Berurah*) It is also prohibited because of the fear that you might write something that is not permitted to be written on *Chol Hamoed*. (see *Yeshuos Ya'akov*)

to another.<sup>3</sup> Moving from a house that doesn't belong to you to your own house, is permitted, for this is considered rejoicing on Yom Tov, because it is a joy to live in your own home.<sup>4</sup>

2) If you must take in fruit, or other merchandise because you fear it will be stolen, or damaged, it should be done in a secluded manner if possible. If you cannot do it in a secluded manner, you are permitted to do it openly.<sup>5</sup>

## Chapter 106

### Buying and Selling During Chol Hamoed

1) All commerce is forbidden,<sup>1</sup> whether buying or selling.<sup>2</sup> However if you have an opportunity to make a big profit,<sup>3</sup> you may buy and sell in private.<sup>4</sup> You should then spend more in honor of Yom Tov than you had previously intended.<sup>5</sup>

2) If you have merchandise and you are afraid that if you don't sell it now, its value will become less than its cost, you are permitted to sell it, because you prevent a loss thereby. However, if there is no fear of sustaining a loss, except that you will not make a profit later, you are forbidden to sell it, because unearned profit is not considered a loss.<sup>6</sup>

3) If a fair occurs on (*Chol Hamoed*), that is, a market day which occurs infrequently, or even the weekly market day, which occurs before the non-Jewish holidays,<sup>7</sup> when many buyers come together, you are permitted to sell in that market. Since it is an irregular occasion, even a lack of profit is considered a loss. But to sell in a regular weekly market is forbidden. Merchants or ships that arrive occasionally, and sell merchandise cheaply, or buy at a high price, which is something that does not happen often, you are then also permitted to buy from them and sell to them.

4) If you need to purchase wine at the time of vintage, for the needs of your household for the entire year, because later the price of wine will go up, you are

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2. *Shulchan Aruch* 539:1.

3. In this case, even if the opportunity may be there afterwards, it is permitted, for if the opportunity will be lost, it would be permitted even without the conditions listed. See paragraph 3.

4. *Ramah* 539:1. This restriction is only in a situation when you have sufficient money, or, according to the *Taz*, when you are extremely wealthy. But if you are not, then you may buy or sell, even openly and for a modest profit; provided you use some of this profit for enjoying the Yom Tov. You also should keep your store gate closed until a customer arrives. (see *Mishnah Berurah* 539:5, 6, 17, 18, *Sha'ar Hatziyun* 539:7, *Biur Halachah* 539:4, and *Chayei Adam* 112:2)

5. *Ramah*. See footnote 4. (*Biur Halachah* 539:5) You are not permitted to do a *melachah* (like cutting material to sell) even under these conditions.

6. See footnotes 4 and 5.

7. Before the non-Jewish holidays there is usually heavy trade.

לְשֵׁתוֹת כָּל הַשָּׁנָה, וְאַחַר כֵּךְ יִתְיַקֵּר הֵינּוּ, מִתֵּר לוֹ לְקִנּוֹת בְּחֹלֵה־מֹוֹעֵד.  
אָבֵל לְמִשָּׂא וּמִתֵּן, אֲסוּר לְקִנּוֹת.

(ה) דְּבָרִים הַנִּצְרָכִים לְמוֹעֵד, כְּגוֹן פְּרוֹת וְתַבְלִין, מוֹכְרִין כְּדָרְכָן אֶפְלוּ  
בְּפִרְהֶסְיָא. וְכִיּוֹן שֶׁמִּתְרִין לְפִתּוֹחַ הַחֲנוּת בְּשֶׁבִיל יִשְׂרָאֵל, מִתְרִין לְמַכּוֹ  
גַּם לְגוֹי.

(ו) לְתַבְעַ חוֹבוֹת, נִהְגוּ לְהַקֵּל אֶפְלוּ מִיִּשְׂרָאֵל, מִשּׁוּם דְּחוּשְׁבִין זֶה  
לְדָבָר הָאֶבֶד.

(ז) לְהִלוֹוֹת בְּרַבִּית לְגוֹי הַרְגִיל אֶצְלוֹ, מִתֵּר, מִפְּנֵי דִהּוּי דְּבָר הָאֶבֶד,  
שֶׁלֹּא יִרְגִיל אֶת עַצְמוֹ אֶצֶל אַחֵר. וְאִם מְלָנָה לְגוֹי שְׂאִינוּ רְגִיל אֶצְלוֹ,  
יוֹצִיא הַרְבִּית מִשְׁבוּעַ אֶחָד לְשִׁמְחַת יוֹם־טוֹב. וְלִמְכּוֹר סְחוּרָה לְמִי שְׂאִינוּ  
רְגִיל אֶצְלוֹ, אֲסוּר, וְלֹא מִהֲנִי מַה שְׂיוֹסְיָף לְשִׁמְחַת יוֹם־טוֹב. אָבֵל לְמִי  
שֶׁרְגִיל אֶצְלוֹ, מִתֵּר, מִשּׁוּם דִּהּוּי דְּבָר הָאֶבֶד, שֶׁלֹּא יִרְגִיל אֶת עַצְמוֹ אֶצֶל  
אַחֵרִים.

(ח) חֲלוּף מְטַבְעוֹת, אֲסוּר.

כג' אדר

סימן קז

### דיני חדש ניסן

א) כָּל חֲדָשׁ נִיֶּסָן אֵין אוֹמְרִים תַּחֲנוּן, וְלֹא צְדוּק הַדִּין, וְאֵין אוֹמְרִים  
צְדָקְתָּךְ, בְּשִׁבְתָּ בְּמִנְחָה. נוֹהֲגִין מִרֵּאשִׁי־חֲדָשׁ וְאֵילָף לְקִרוֹת בְּכָל יוֹם

8. You may not purchase more than one year's supply because it can be purchased again the following year. (*Beis Yosef, Bach, Mishnah Berurah* 539:31)

9. See *Shulchan Aruch* and *Ramah* 539:9. *Eliyahu Rabbah* rules that buying wine in order to profit is permitted, and only buying large quantities for your own use is prohibited because it is an unnecessary bother. See *Biur Halachah* who says not to protest against those who rely on this opinion.

10. *Shulchan Aruch* 539:10 permits their sale because they are perishable. *Magein Avraham* and *Mishnah Berurah* include non-perishable items as well, provided they are obviously for Yom Tov needs. Anything for Yom Tov that is not obvious, must be done in private. (see *Shulchan Aruch* 533:5)

11. See *Shulchan Aruch* 539:2–3. This reason is only necessary for commercial debts such as payment for merchandise (already delivered). These have the *halachah* of commerce, and are allowed only when classified as prevention of loss. Debts from loans, however, are not considered business and you may try to collect them on *Chol Hamoed*, even in court. (see *Taz, Mishnah Berurah* 539:7–11) If you have a good security (מִשְׁבּוֹךְ) you may not make your claim

allowed to buy it on *Chol Hamoed*,<sup>8</sup> but it is forbidden to buy it for business purposes.<sup>9</sup>

5) Things that are needed for the Yom Tov, like fruits and spices,<sup>10</sup> may be sold regularly, even openly. And since you are allowed to open your store to sell to a Jewish customer, you may also sell to a non-Jewish customer.

6) It is customary to be lenient about collecting debts, even when the debt is owed by a Jew, because we consider this the prevention of a loss.<sup>11</sup>

7) Lending money on interest to a regular non-Jewish customer is permitted, because it would be a loss, if he took his business elsewhere.<sup>12</sup> If you lend money to a non-Jew, who is not your regular customer, you should spend the interest<sup>13</sup> of one week for [the mitzvah of] rejoicing on Yom Tov.<sup>14</sup> Selling merchandise to someone who is not a regular customer is forbidden, and it is of no avail even if you spend more of your profits for [the mitzvah of] rejoicing on Yom Tov.<sup>15</sup> But you are permitted to sell to a regular customer, because it is considered prevention of a loss, so that he will not get accustomed to purchase elsewhere.

8) It is forbidden to exchange money<sup>16</sup> (on *Chol Hamoed*).

April 3

## Chapter 107

### The Month of Nisan

1) During the entire month of *Nisan* we do not say *Tachanun*<sup>1</sup> or *Tzidduk Hadin*<sup>2</sup> (burial service), and we do not say *Tzidkasecha* on Shabbos at *Minchah*.<sup>3</sup> It is customary<sup>4</sup> from *Rosh Chodesh* on, to read (from the *Seifer Torah*) the *parashah* of the *Nasi*<sup>5</sup> who brought his offering on that day. On the thirteenth day of the month, we

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in *Beis Din* (court) on *Chol Hamoed*. (*Eliyahu Rabbah*) When claiming outstanding loans, etc., if they are not considered prevention of loss, you may not do *melachah* (like writing) in the process.

12. *Rabbeinu Tam, Rosh*.

13. If it was a large loan and you find it difficult to spend so much, you should do the best you can. (*Ba'eir Heiteiv, Maharil*)

14. This is in addition to what you had intended to spend. (*Mishnah Berurah* 539:45)

15. See paragraphs 1–2 and footnotes 4–5. Lending is less restricted than business because it does not involve the bother of pricing or the disappointment of overpaying. (*Magein Avraham* 539:17, *Mishnah Berurah* 539:45)

16. *Shulchan Aruch* 539:14. Because it is considered business. (*Vilna Gaon, Mishnah Berurah* 539:47)

1. See Chapter 22.

2. See Chapter 198:14.

3. *Shulchan Aruch* 429.

4. This custom is not very widespread in our times, except among Chassidim.

5. The leader of each tribe was called *Nasi*. On *Rosh Chodesh Nisan* the *Tabernacle* was erected, and in honor of its dedication, during the ensuing twelve days, each *Nasi* had his day on which he brought a special offering, as is written in *Numbers* 7:10–7:89.