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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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Rabbi Yirmiyah inquired of Rabbi Zeira: If one scheduled his work for Chol Hamoed and then he died; do we penalize the sons as we would to the father and they are compelled to surrender the profits or is the penalty only on the one who committed the illicit labor?

The Gemora notes: Even if you will say that if a *Kohen* cuts the ear of a firstborn animal (*and thus disqualifies it for being brought as a korban, enabling himself to eat it*) and then dies, his son is penalized after him; that may only be because he has violated a Biblical transgression, whereas here we are dealing with a Rabbinical prohibition.

The Gemora notes further: And even if you will say that if someone sold his slave to an idolater and then he died, we penalize his son to buy him back; that may only be because every day the slave is removed from the ability of observing the mitzvos; what is the halachah in this case?

The Gemora clarifies the inquiry: Is the penalty on the man who committed who performed the illicit labor and he is not here any longer, or is the penalty on the money and the money is still here?

Rabbi Zeira replied: We have learned in a Mishna: If a field has been cleared of thorns during *shemita* (*which is a Rabbinical prohibition*), it can be sown

during the eighth year. [*Although it emerges that he is benefiting from the work which he did during shemita, since it is only a Rabbinical prohibition, the Rabbis did not penalize him.*] If, however, he fertilized the field, or if he fenced in cattle there (*in order for the field to be manured*) during the *shemita* year, it must not be sown during the eighth year (*for this work is considered significant*). And Rabbi Yosi the son of Rabbi Chanina said: It has been established that if he fertilized it and then died, his son may sow it. Evidently, the Rabbis penalized him, but not his son. Here (regarding someone who scheduled work to be performed on Chol Hamoed and then he died), the Rabbis penalized him, but not his son.

Abaye said: It has been established that if a man intentionally contaminates stuff belonging to another which he desired to keep ritually clean, and then dies, the Rabbis did not penalize his son after him. What is the reason? Damage which is not recognizable is not (*Biblically*) reckoned as damage, and the penalty for it is Rabbinical in origin, and the Rabbis only penalized the man who does the damage, but they did not penalize his son. (12b – 13a)

The Mishna states: One may not purchase homes, slaves or animals during Chol Hamoed unless they



are needed for the festival or if the seller does not have what to eat. (13a)

Rava inquired of Rav Nachman: Is one permitted to hire a worker on Chol Hamoed to do work that is not necessary for the festival for the sole purpose of enabling the worker to buy food for the festival?

He replied: We learned in our Mishna: or if the seller does not have what to eat. What is this intended to include? Is it not coming to include wages for work (on Chol Hamoed for someone who does not have what to eat)?

Rava responded to Rav Nachman: Not necessarily; it is an explanatory clause (but perhaps one cannot hire a needy worker on Chol Hamoed).

Abaye objected from the following Mishna: One should not write loan documents during Chol hamoed; but if the creditor does not trust the debtor (and the borrower needs the money for the festival), or if he does not have enough to eat, one may then write such documents. What is the clause, 'Or if he does not have enough to eat' intended to include here? Is it not coming to include wages for work (on Chol Hamoed for someone who does not have what to eat)?

The Gemora concludes: It is indeed a proof, and one is permitted to hire a needy person in order to provide him with his necessities for the festival.

Rav Sheishes asked on this ruling from a Mishna in Pesachim (55a): The Chachamim maintain that tailors, barbers, and launderers can perform labor on

the fourteenth of Nissan until midday. A braisa states that tailors can begin work on the morning of the fourteenth even if the custom is not to work on the fourteenth, because even an amateur tailor can sew his clothing in a normal manner during Chol Hamoed. (*This is because the fourteenth of Nissan is more lenient than during Chol Hamoed.*) Barbers and launderers can begin labor on the fourteenth of Nissan because one who arrives from overseas and one who is freed from jail are allowed to cut their hair and launder their clothing during Chol Hamoed.

Rav Sheishes explains his question: If it is permitted to hire a needy person in order to provide him with his necessities for the festival, then all types of work should be permitted on the fourteenth, for we have found an example of labor which is permitted during Chol Hamoed (*a needy worker*)?

Rav Pappa challenged the question: If this were to be true, building should be permitted (on Erev Pesach), for a wall that is leaning into a public domain, the halachah is that one may demolish and rebuild it on Chol Hamoed in a usual manner, on account of the danger it poses (to the public)!

Ravina asked along the same line of reasoning: If this were to be true, a scribe should be permitted to write (on Erev Pesach), for the halachah is that one is permitted to write documents of betrothal, bills of divorce and receipts on Chol Hamoed!?

Rav Ashi answers: You cannot compare the guidelines for the prohibition against working during Chol Hamoed with that of the fourteenth of Nissan. Work is forbidden during Chol Hamoed because of

excessive exertion and therefore there can be exceptions by situations involving a loss; one cannot perform work on the fourteenth of Nissan because it is regarded as a festival and only festival-related work will be permitted. (13a)

The Mishna states: One cannot move objects from a house in one courtyard to a house in a different courtyard during Chol Hamoed; however he may move them to a house in his own courtyard. One cannot bring utensils from the house of the craftsman during Chol Hamoed; however if he is afraid that they might get stolen, he is permitted to move them to a different courtyard. (13a)

Abaye explained the Mishna to mean that one may move objects in the same courtyard (for that is done privately, and it is not such a great distance). (13a)

Rav Pappa said: Rava tested us with the following question: Our Mishna states that one cannot bring utensils from the house of the craftsman during Chol Hamoed, but a Mishna in Pesachim (55b) states that it is permitted even though the utensils are not needed for the festival?

We answered him: The Mishna in Pesachim is referring to the fourteenth of Nissan and that is why it is permitted (*exertion is only prohibited during Chol Hamoed*). Alternatively, they answered that both Mishnayos are referring to Chol Hamoed, and we can answer as follows: Our Mishna is referring to a case where the owner trusts the craftsman and the Mishna in Pesachim is referring to a case where the owner does not trust the craftsman and therefore he may bring the utensil to his house.

Rava responded: According to your second answer, there is still a contradiction regarding bringing the utensils to the craftsman's house in order for him to fix it. The Mishna in Pesachim states that one may bring the utensils to the craftsman's house, but it is implicit in our Mishna that one may not bring the utensils to the craftsman's house in order to fix it.

Rav Papa concludes: It is clear that the first answer is the correct one. (13a – 13b)

The Mishna states: One may cover figs with straw (*protecting them from the rain*). Rabbi Yehudah says: They may even make it thick. The sellers of produce, clothing, and utensils may sell discreetly for the needs of the festival. Trappers, grain pounders and bean grinders may do their work discreetly for the needs of the festival. Rabbi Yosi says: They were stringent with themselves. (13b)

The Gemora offers two explanations in the dispute between the Tanna Kamma and Rabbi Yehudah. One is from Rabbi Chiya bar Abba and the other is from Rabbi Assi: One opinion is that the Tanna Kamma maintains that he may cover the figs lightly (*preventing most of the moisture*) and Rabbi Yehudah holds that they can be covered thickly (*preventing all of the moisture*). An alternative explanation is that Rabbi Yehudah maintains that the figs can be piled in a manner that makes it easier for them to be covered (*this involves excessive exertion*).

The Gemora cites a supporting braisa: We may make it thick teaches us that one can make the figs into a



compact pile; these are the words of Rabbi Yehudah.
(13b)

The Mishna had stated: The sellers of produce, clothing, and utensils may sell discreetly for the needs of the festival. Trappers, grain pounders and bean grinders may do their work discreetly for the needs of the festival. Rabbi Yosi says: They were stringent with themselves.

The Gemora inquires: What did Rabbi Yosi mean? Did he mean that they were stringent and did not work at all on Chol Hamoed, or did he mean that worked only in private?

The Gemora cites a braisa clarifying Rabbi Yosi's opinion in the Mishna. The sellers of produce, clothing, and utensils may sell discreetly for the needs of the festival. Rabbi Yosi says: The merchants of Teverya were strict upon themselves and did not sell their merchandise at all during Chol Hamoed. Trappers of animals, birds and fish may trap discreetly for the needs of the festival. Rabbi Yosi says: The trappers of Acre were strict upon themselves and did not trap at all during Chol Hamoed. The pounders of chilka, targis and tisanei (various types of grits) may pound discreetly for the needs of the festival. Rabbi Yosi says: The pounders of grain in Tzippori were strict upon themselves and did not pound at all during Chol Hamoed. (13b)

Abaye said: Chilka means grits of one grain broken in two; targis is one into three; tisanei is one into four.

When Rav Dimi came from Eretz Yisroel, he said: Chilka is made from spelt.

An objection was raised from the following Mishna: Chilka, targis and tisanei are considered as tamei everywhere (in the cities and in the villages; they are always susceptible to tumah, for they are produced through soaking in water). Now, this is consistent with the explanation (of Abaye) that it is one grain split in two, three or four, and that is why they are considered tamei everywhere, because they have been rendered susceptible to tumah (with the soaking process); but according to the explanation (Rav Dimi) that they are all spelt, why then are they regarded as tamei everywhere, for these have not necessarily been rendered susceptible to tumah?

The Gemora answers: The term chilka is used where they (the spelt) are hulled, because if the kernels were not soaked in water, they could not be hulled.

The Gemora asks: And why is it (the hulled spelt) called chilka?

The Gemora answers: Because when they have their hull removed, the kernels are rendered smooth (chalak).

The Gemora asks on Rav Dimi from a braisa: If one makes a vow prohibiting himself from *dagan*, he is also forbidden in dried Egyptian beans. He is permitted in moist ones, and he is permitted in rice, *chilka*, *targis* and *tisni*. Now, this is consistent with the explanation (of Abaye) that it is one grain split in two, three or four, and that is why they are permitted to be eaten, because these (now that they have been split) are no longer classified as *dagan* (grain); but according to the explanation (Rav Dimi)



that they are all spelt (why are they permitted), they are full-fledged dagan!?

The Gemora notes: This is indeed a difficulty. (13b)

Rav Huna permitted spice merchants to go and sell in their usual manner in the marketplace during Chol Hamoed.

Rav Kahana asks from a braisa, where it can be implied that one is prohibited from selling his wares in public during Chol Hamoed.

The Gemora answers: The braisa is referring to fruit, which are generally sold in large quantities and people might think that he is involved with business not related to the festival; Rav Huna was referring to spices, which are generally sold in small quantities and therefore it is permitted. (13b)

WE WILL RETURN TO YOU, MI SHEHAFACH

INSIGHTS TO THE DAF

SHOPPING ON CHOL HAMOED

By Rabbi Doniel Neustadt

Question: When is it permitted to go shopping on *Chol ha-Moed*?

Discussion: Generally speaking, it is forbidden to go shopping on *Chol ha-Moed* for items that will not be needed on *Chol ha-Moed* or the last days of Yom Tov (or the Shabbos following Yom Tov). It is forbidden, for example, to go shopping for clothing, household goods or *sefarim* which will not be used until after Yom Tov is over.^[1]

In addition, *l'chatchilah* one should stock up on all of his non-food Yom Tov and *Chol ha-Moed* needs in advance so that he will not need to go shopping on *Chol ha-Moed* at all. One must, therefore, think ahead and stock up on whatever toiletries, clothing, shoes, household goods and Judaica items one may need during those days.^[2] But if for any reason any one of these items is needed for *Chol ha-Moed* or Yom Tov, it is permitted to purchase it.

Buying fresh foods such as bakery products, fruits and vegetables, dairy products or delicatessen items is permitted on *Chol ha-Moed* without restriction. One need not stock up and freeze such foods in advance to avoid shopping on *Chol ha-Moed*. Moreover, even non-perishable food items, staples and beverages may be bought on *Chol ha-Moed*

l'chatchilah, and one need not stock up on them in advance.^[3]

Question: Is it ever permitted to go shopping on *Chol ha-Moed* if the purchases will not be used until Yom Tov is over?

Discussion: Under certain circumstances it is permitted to go shopping on *Chol ha-Moed* even if the purchases will not be used until Yom Tov is over:

- It is permitted to buy a gift which will be given on *Chol ha-Moed*, even though the recipient will not use the gift on *Chol ha-Moed*.^[4]
- It is permitted to shop on *Chol ha-Moed* if the item will not (or may not) be available after *Chol ha-Moed*.^[5]
- It is permitted to shop on *Chol ha-Moed* if one must be out of town after *Chol ha-Moed* and will not be able to buy the item elsewhere.^[6]
- It is permitted to shop on *Chol ha-Moed* if the item is on a special sale (such as a clearance or an end-of-season sale) and will cost considerably more after Yom Tov.^[7] It is advisable to consult a *rav* to determine what exactly is considered “considerably more” in this case.^[8]

^[1] See *O.C.* 539:1, 12.

^[2] Harav S.Z. Auerbach (*Shemiras Shabbos k'Hilchasah* 67, note 130); *Mo'adim u'Zemanim* 4:300, s.v. *vechol*.

^[3] See *O.C.* 533:1.

^[4] *Chol ha-Moed k'Hilchasah* 10, note 147.

^[5] *O.C.* 539:5.

^[6] *Igros Moshe*, *O.C.* 5:36-3.

^[7] *Mishnah Berurah* 533:16; 539:29, 43.

^[8] *Shemiras Shabbos k'Hilchasah* 67:30.

^[9] *Igros Moshe*, *O.C.* 5:36-3.

- It is permitted to buy a large quantity of any item (even if only a small amount is needed for *Chol ha-Moed*) if one can get a better price by buying the larger quantity.^[9]