

Daf Digest for the month of Av is dedicated

ל"ג ר' מנחם מנדל בן ר' יוסף יצחק אייזיק כ"ז מנחם אב תשס"ו בעל המחבר "עטרת אבי" על מסי ביצה ומו"ק מאת משפחת קאהן

OVERVIEW of the Daf

1) Sewing

Two examples are given to explain what person qualifies as an unskilled person who may sew on Chol Hamoed.

Two definitions of the word **מכליב** are presented.

2) Defining the terms **מסרגין** and **ממתחין**

R' Dimi reports a dispute regarding the definition of the terms **מסרגין** and **ממתחין**.

One of the opinions is successfully challenged.

Another challenge against one of the earlier-cited opinions is recorded that undermines R' Dimi's report entirely.

Ravin offers a different account of the dispute.

This explanation is unsuccessfully challenged.

3) MISHNAH: The Mishnah discusses setting up stoves, ovens, and millstones on Chol Hamoed.

4) **מכבשין**

Two definitions of the term **מכבשין** are presented.

The second definition is unsuccessfully challenged.

A related incident is recorded.

5) Animal care

R' Chama and R' Yehudah dispute whether it is permitted to trim the hooves of a millstone donkey on Chol Hamoed.

Three rulings of Rav regarding animal care on Chol Hamoed are recorded.

6) Rava's eight rulings

Rava rules that it is permitted to let the blood of an animal on Chol Hamoed.

Abaye cites a Baraisa in support of this ruling.

He rules that it is permitted to press clothing on Chol Hamoed.

A similar ruling is recorded.

Rava issues guidelines regarding clearing land, as well as for removing weeds and twigs on Chol Hamoed.

Guidelines for opening a gate to allow water to flow onto one's land are presented.

The rules for removing branches from a palm tree are recorded.

Rava issues a ruling concerning care for unripe dates.

R' Pappa disagrees with one of Rava's strict rulings concerning the unripe dates.

Rava prohibits business during Chol Hamoed.

R' Yosi bar Avin permits engaging in business if it is to prevent a loss.

A related incident involving Ravina is recorded.

A second incident involving Ravina is presented.

A similar ruling related to idolatry is presented. ■

Gemara GEM

Preparing and setting out on riding trips on Chol Hamoed

סוס שרוכב עליו וחמור שרוכב עליו מותר ליטול צפרנים בחולו של מועד

Tosafos writes that it is permitted to ride on a horse or donkey on Chol Hamoed only if the purpose of the trip is needed "לצורך המועד" - for the festival itself. This suggests that riding is not allowed for elective purposes (לחנם).

Beis Yosef (O.C. #536) cites Rosh who explains that this statement in our Gemara is speaking about a person who is used to riding, and not walking by foot. For him, riding is essential, as he is not accustomed to traveling by foot. Beis Yosef infers from the words of Rosh that preparing the horse or donkey for riding is permitted (i.e., trimming the toe nails of the animal) only for a person who cannot travel by foot. Additionally, it is allowed only when the purpose of the trip is for the sake of the Yom Tov itself, and not for personal pleasure or private affairs. However, this restriction is only regarding where the melachah is in *preparing for travel*. Riding itself does not entail any **מלאכה**, and is permitted even if the trip is not for the sake of the Yom Tov. Beis Yosef concludes and writes that this is the opinion of Rosh, but Tosafos says that it is prohibited to ride without it's being for a Yom Tov purpose. Traveling for pleasure, he adds, is not considered לחנם, and it is permitted even according to Tosafos.

Rema (O.C. #536) rules according to Rosh. Poskim rely upon this ruling to allow a child to ride a bicycle on Chol Hamoed, even without its being necessary for the Yom Tov itself, because the riding in and of itself does not entail any melachah. Driving a car, however, which does involve melachah, should not be done without purpose (בחנם) on Chol Hamoed (Shmiras Shabbos Kihilchasa, Ch. 66, note 224). Aruch Hashulchan notes that leisure trips are allowed, and are not included in "בחנם". What type of driving, then, is prohibited?

שו"ת באר משה (7:13) suggests that a person learning to drive, and who is driving just to practice might be included in the category of חנם. This, then, would be prohibited on Chol Hamoed. ■

Today's Daf Digest is dedicated by
Mr. and Mrs. Moshe Appel
In loving memory of their father
ר' דב בערל בן ר' יצחק, ע"ה

HALACHAH Highlight

Opening one's business on Chol Hamoed

ואמר רבא פרקמטיא כל שהוא אסור אמר ר' יוסי בר אבין ובדבר האבד מותר

Rava said: Any amount of business is prohibited. R' Yosi bar Avin said that in a case where one will suffer a loss it is permitted.

Although there are relatively few circumstances when it is permitted to open one's business during Chol Hamoed according to the principles laid out by the Gemara and Shulchan Aruch, nevertheless, the common practice is that people open their stores during Chol Hamoed. Rav Moshe Sofer¹, the Chasam Sofer, decries the rampant spread of the practice of people opening their business during Chol Hamoed. He writes that although the practice is certainly unjustified, it is better that people should violate inadvertently rather than intentionally. Therefore, one should not protest the prohibited practice.

Rav Shimon Greenfield², the Maharshag, justifies the practice based on a statement found in the Yerushalmi³. R' Abba bar Mamal there states that if he could find support he would suspend the restriction against work on Chol HaMoed because the purpose of the prohibition was to allow time for Torah study, and people instead waste their time eating and drinking. Although R' Abba bar Mamal never succeeded in suspending the prohibition, nonetheless, we see that a person with nothing to occupy his time tends to sin. Therefore, just like Chazal permit a person to work to prevent a financial loss certainly it is permitted for a person to work to prevent the spiritual loss of sin.

Rav Chaim Chezkiyahu Medini⁴, the Sdei Chemed, notes, however, that in a number of places they issued decrees against

REVIEW and Remember

1. What is the definition of one who is "unskilled" at sewing?

2. Why is it permitted to trim the hooves of a horse during Chol HaMoed?

3. Is it permitted to bring an animal to the veterinarian during Chol HaMoed?

4. Under what condition is business permitted during Chol HaMoed?

business even if it would result in a loss to emphasize the prohibition. He further cites Gaon Chida who writes that people should realize that they will gain more by properly observing Chol Hamoed than they stand to gain by opening their businesses. Rav Moshe Shternbuch⁵ highlights that although there are many justifications for the practice, these remain mere justifications, and one should make every effort not to rely on them. Furthermore, Rav Shternbuch maintains that our circumstances are different than they were in the past. In the past people needed to work every day in order to have food on their table. Nowadays, many people work in order to live more luxuriously, and given such circumstances the leniencies should not be followed. ■

1. שו"ת חתם סופר או"ח סי' א'.
2. שו"ת מהרש"ג ח"א יו"ד סי' כ"ה וע"ע ביאור הלכה סי' תקל"ט סעי' י"ג ד"ה אינו וערוה"ש שם סעי' ט"ו.
3. ירושלמי מו"ק פ"ב י"ג ומובא ברא"ש פ"א סי' א'.
4. שדי חמד אסיפת דינים מערכת חול המועד אות ז'.
5. מועדים וזמנים ח"ד סי' ש'.

STORIES Off the Daf

Working on Chol Hamoed

"ובדבר האבד מותר..."

A person may perform melacha on Chol HaMoed if refraining from doing so would cause an irretrievable loss. Tosafos comments that this is only if one loses from the principal, and not from one's profits from the principal.

The Maharam of Provence, ז"ל, was once presented with an interesting question on this subject. "If a person owns a printing house and has to pay his workers their usual salary over Chol HaMoed whether they work or not, can he print on Chol HaMoed? He is otherwise going to lose all the money that he will have to pay

his workers for doing nothing. Is this considered *davar ha'aveid*?"

The Maharam of Provence replied, "This is not considered a *davar ha'aveid*, since the printing enterprise as a whole turns a profit regardless of whether the workers are paid on Chol HaMoed or not."

The Aruch Hashulchan, ז"ל, disagreed, however. He writes that the reason why all millers and beer makers work on Chol HaMoed is that they pay rent for the use of the millstone by the day, and they must pay the workers by the day whether they work or not. This is considered an actual loss out of pocket for which it is permitted to work on Chol HaMoed.

When asked about this psak, Rav Shlomo Zalman Aurbach, ז"ל, said that it is difficult to understand. Even though

this type of loss is permitted for one who is an *avel* (ר"ל), there is a fundamental difference between mourning and Chol Hamoed. *Avelus* comes unexpectedly, so it would not be possible to take precautions to offset a loss or evaluate the general state of the business ahead of time. Since Chol HaMoed arrives on a fixed schedule, the owner has the time to determine if the business as a whole is making enough of a profit to obligate him to pay his workers even if they do not actually work. If he is making a profit, he has no right to force his workers to come in on Chol HaMoed. If he tries to force them to come in to work, he is actually stealing from them because they are not halachically permitted to work. Such an employer would be transgressing the prohibition of "לפני עור לא תתן מכשול" ■

