



Parshas Va'eira 5767

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Hilchos Chol Hamoed

May a cook be paid to work on Chol Hamoed?

Work is prohibited on *Chol Hamoed* except for certain instances when *Chazal* permitted it, such as to enable one to have the means to purchase Yom Tov necessities, as will *be"H* be explained later.

Cooking and baking is permitted on *Chol Hamoed* and accordingly one may cook and bake on *Chol Hamoed* and be paid for doing so.

Does that mean that everything permitted to do on Chol Hamoed may be paid for?

No, one cannot make such a blank statement as each *melacha* might be different.

As for cooking and baking, the *Bi'ur Halacha* writes ¹ that we find in *simon* 533 that one may grind, chop and cut wood, make beer and do every other *melacha* for *ochel nefesh* (when necessary for *Chol Hamoed*) and obviously one may hire people, because nobody is expected to labor without remuneration, nor is one expected to do all the above oneself.

He concludes that one may hire people to bake and cook on *Chol Hamoed*, if it is hard to find workers who will volunteer their services. ²

The Bi'ur Halacha refers to paying others to bake and cook but maybe I should do it for free?

If one needs extra cash to spend on Yom Tov one need not do it for free. ³ Indeed, if one is

not short of money and does not mind doing it for free, one should. ⁴

What is the bottom line regarding a bakery and a cook?

A bakery may bake on *Chol Hamoed* and charge for bread and cakes etc. A cook may cook in private homes and be paid for the work.

If one is able to bake for Chol Hamoed before Yom Tov, should one do so, or may one l'chatchila leave it for Chol Hamoed?

The *Chayei Adam* writes ⁵ that any *melacha* performed for food may be performed on *Chol Hamoed* and one may purposely leave that work for *Chol Hamoed*. In other words, one need not cook and freeze prior to *Chol Hamoed* in order to avoid cooking and baking on *Chol Hamoed*.

Does that also apply to hard labor such as reaping and threshing?

Yes it does, because it is all for the sake of food and permitted *l'chatchila*.

I have an orange tree in my garden, are there any picking limitations on Chol Hamoed?

Picking fruit is a *melacha* of *kotzer* - reaping, which is permitted for the *Chol Hamoed* but not for after *Chol Hamoed*. You may pick as much as you need for *Chol Hamoed* and you need not calculate exact quantities, rather pick generously

¹ Simon 542:1 ד"ה אפילו.

² SS"K 66:8.

³ Rav Shlomo Zalman Auerbach in SS"K 66 footnote 38.

⁴ Based on the above *Bi'ur Halacha*.

⁵ *Clal* 106:2.

and any leftovers may be eaten after *Chol Hamoed*.⁶

One may not pick the required amount and say to himself that the oranges remaining on the tree are of better quality I should pick those for *Chol Hamoed*, because that's cheating. This "ploy" is permitted under certain circumstances but not in this case.

If I see the oranges are spoiling on the tree (birds, other animals, other people etc.), may I pick them even though I won't consume them on Chol Hamoed?

The *Chayei Adam*⁷ writes the following: A Jew shares a tree with a gentile and the gentile picks his fruit on *Chol Hamoed*. If the Jew refrains from picking his fruit the gentile will take the Jew's fruit and cause the Jew a loss. The Jew may pick his fruit even though he will not benefit thereby on *Chol Hamoed*. This *beter* is called *davar ha'aved* – in face of loss and is permitted in certain circumstances.⁸

May I pick apples from a tree even when possible to purchase or borrow other apples?

One may do a *melacha* for *ochel nefesh* on *Chol Hamoed* even though one can obtain similar food without a *melacha*. Consequently,

- one may pick apples from a tree even though it is possible to purchase apples or borrow from a neighbor.⁹
- One may travel by car to pick fruit even though one can walk to a nearby store and purchase fruit.¹⁰
- One may pick peaches from a tree and not have to use canned peaches.
- One may grind wheat,¹¹ sift it, knead and bake it even though one has bread, because freshly baked bread is tastier.¹²

⁶ *Chayei Adam clal* 108:2, *SS"K* 66:10 and footnote 41.

⁷ *Clal* 108:3, based on *simon* 537:16.

⁸ We will *be"H* learn the *halachos* of *davar ha'aved*.

⁹ *Simon* 537:15 and *M"B* 51.

¹⁰ *SS"K* 66:11.

¹¹ Provided that one does not have ground wheat already.

¹² *Simon* 533:1

However, if one has fruit at home, one may not pick additional fruit unless the fruit at home is less fresh.¹³

Vort on the Parsha

Moshe Rabeinu's famous *kal vachomer* seems not to have its faults. Moshe Rabeinu replied to *Hashem* that if *B'nei Yisrael* did not listen to him, how will Pharaoh listen to him, when it is known that gentiles are closer to repent than Jews, which was Yonah Hanavi's fear. The *Gan Raveh* answers that it was exactly because of that reason that Moshe refrained from reproaching Pharaoh, because he was afraid that Pharaoh would repent, which would reflect badly against *B'nei Yisrael*. He feared his *aral sefatayim* was the incapability of being able to defend *B'nei Yisrael* if Pharaoh would listen to his admonition.

Food For Thought

May one write a shopping list?

May one write a check as opposed to paying cash?

May one bake a large bread, even though it involves extra effort and one can suffice with a small bread?

Answers coming *be"H* next week .

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¹³ *SS"K* *ibid*, based on *simon* 533:1.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.