

HALACHICALLY SPEAKING



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Shopping and Doing Business on Chol Hamoed

One has to be very careful with respecting *chol hamoed* as it says “whoever disgraces the *moadim* is as if he is worshipping *avodah zarah*.”¹

One of the most common questions asked about *chol hamoed* is if one is allowed to go shopping or do business. Does the *halacha* change if a store is having a major sale? Is

1. Mesechtas Pesachim 118a, Mishnah Berurah 530:1, Kitzur Shulchan Aruch 104:1, Torah Temimah Vayikra 23:3, see Pela Yoetz chol hamoed pages 254-25 (new). This *chazal* means doing work (Mishnah Berurah *ibid*). Refer to Mishnah Mesechtas Avos 3:11 and Mesechtas Sanhedrin 99a which says that one who disgraces *chol hamoed* will not have *olom haba*. Based on this some say one should wear *Shabbos* garments on *chol hamoed* (Chai Adom 106:1, Mishnah Berurah 530:1, Be'er Moshe 7:3). The Shar Ha'tzyion 530:4 seems to hold that one is not required to wear *Shabbos* clothes but he should wear something more than what he does during the week. See Nemukei Orach Chaim 530:3, Be'er Moshe *ibid*).



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one who will not have time to shop after *Pesach* (since he is returning to *Eretz Yisroel* to learn) allowed to shop on *chol hamoed*? In this article we will discuss these *halachos* and other *halachos* which apply to shopping and doing business on *chol hamoed*.

The Source / Reason

Business is forbidden on *chol hamoed* even if it's only the smallest amount² of buying and selling and no *melacha* is involved.³ The reason buying and selling is forbidden on *chol hamoed* is because one may become busy either physically or mentally with it, and it will take away from the joy of *Yom Tov*.⁴ Since *chol hamoed* was given for one to eat, drink, be joyful and learn *Torah*, if *chazal* were to permit buying and selling on *chol hamoed* one would be busy an entire day with it and there would be no time for learning.⁵ Others say the reason is that one may come to write on *chol hamoed*.⁶

Non-Jew

Anything which a Jew can not do on *chol hamoed* he may not instruct a non-Jew to do for him either.⁷

Leniencies

Business is permitted when it is needed for *Yom Tov*,⁸ in order to prevent a loss,⁹ and to feed someone who does not have the basic necessities.¹⁰ Each of these will be discussed below.

Yom Tov Need¹¹

An item which is known that it is needed for *Yom Tov* may be openly bought and sold

2. Ibid. Which means even a *pruta* (Kaf Ha'chaim 539:2). See Aruch Ha'shulchan 2 who says the reason is if *chazal* would let a small amount of buying and selling it would lead to a large amount.

3. Mesechtas Moed Kotton 10b, Rambam Hilchos Yom Tov 7:22, Tur 539, Bais Yosef, Shulchan Aruch 539:1, Aruch Ha'shulchan 5. One is also not allowed to renovate his store without letting customers in since there is a big *tircha* involved (Shevet Ha'Levi 6:67).

4. Rosh klal 23:4, Bais Yosef 539, Levush 1, Magen Avraham 1, Mishnah Berurah 1, Kaf Ha'chaim 1, see Aruch Ha'shulchan 3.

5. As explained in the Aruch Ha'shulchan 2.

6. Prisha 539:1.

7. Biur Halacha "ben," Aruch Ha'shulchan 543:1.

8. Shulchan Aruch 539:12.

9. Shulchan Aruch 4,5,10.

10. Shulchan Aruch 12.

11. See Shulchan Aruch 539:12, Magen Avraham 16, Mishnah Berurah 43, Aruch Ha'shulchan 539:19 who maintains if it is not needed for *Yom Tov* one should not buy it. Refer to Ohr Ha'mizrach 1972:pages 22-24 in depth if something which is bought for non-business purposes is permitted on *chol hamoed*. If one bought something which is not needed for *Yom Tov* it is permitted to have benefit from it (ibid).

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on *chol hamoed*.¹² For example, one is permitted to buy or sell food¹³ (i.e. *matzah*)¹⁴ for *Pesach* in a store (even without having his gates closed slightly)¹⁵ since it is known to all that people going to a *kosher* for *Pesach* store are buying food for *Yom Tov*.¹⁶ However, when selling clothing¹⁷ or utensils¹⁸ which an observer can not tell if the item is being purchased for *Tom Tov*, they should be sold in a discrete way (either by opening the storefront half way,¹⁹ or open one out of two doors)²⁰ since it is possible to buy it for a *Yom Tov* need as well.²¹ If it is in a building on a floor where people do not pass then no special action has to be done to the store.²² Something which is not for the need of *Yom Tov* at all may not be sold even discreetly.²³

One should try to write on the door that the store is only opened for a couple hours a day and that is considered doing business discreetly.²⁴ Another option is that one should keep his door locked and only open when costumers arrive.²⁵ If it is not possible to open the store in a discrete manner then one may sell his items in the normal manner.²⁶ In addition, if a store owner did not show that his store is open in a discrete manner, one is still permitted to buy from that store.²⁷

12. Shulchan Aruch 539:10, Magen Avraham 10, Mishnah Berurah 33. Refer to Kovetz Halachos Chol Hamoed (Harfenes) page 70:4 if selling food in a place where there are only non-Jews is permitted. See Chol Hamoed page 175 who quotes the opinion of Harav Moshe Feinstein zt"l as forbidding it, and see his *teshuva* in Igros Moshe O.C. 5:20:10.

13. Refer to Shevet Ha'Levi 8:126 regarding a fruit store.

14. Chol Hamoed K'hilchoso 10:6.

15. Refer to Shulchan Aruch 539:10, Mishnah Berurah 539:34, Moadim V'zemanim 4:300.

16. Aruch Ha'shulchan 13, see Kovetz Halachos Chol Hamoed (Harfenes) page 70:4, Kovetz Halachos (Chol Hamoed page 33:4f).

17. Divrei Chachumim page 156:444 quoting the opinion of Harav Yaakov Kamenetsky zt"l, Shevet Ha'Levi 8:126.

18. Shemiras Shabbos K'hilchoso 67:28, Piskei Teshuvos 539:5. The same is true for a houseware store (ibid:footnote 23) Some say this applies to a fish store which only sells frozen fish (Chol Hamoed K'hilchoso 10:footnote 24).

19. Refer to Avnei Yushfei 1:108:1, see Mishnah Berurah 17, Biur Halacha 539 "eino," Kaf Ha'chaim 30.

20. Shulchan Aruch 11, Aruch Ha'shulchan 13, Biur Halacha 539 "eino." Some say since today it is not common to have two doors something else should be done (Refer to Piskei Teshuvos 539:7).

21. Shulchan Aruch 11, Aruch Ha'shulchan 13, Kaf Ha'chaim 55-57.

22. Refer to Shulchan Aruch 539:11, Piskei Teshuvos 539:7, Shemiras Shabbos K'hilchoso 67:footnote 139, Chol Hamoed K'hilchoso 10:53, Moadim V'zemanim 4:300. Opening the store for a couple of hours without a different *heker* may not be valid (Shemiras Shabbos K'hilchoso ibid).

23. Refer to Shulchan Aruch 539:11. If one is open and he buys there he is being *machshil* the owner (Emes L'Yaakov 539:footnote 495).

24. Shevet Ha'Levi 8:126.

25. Be'er Moshe 7:51, opinion of the Be'er Moshe quoted in Chol Hamoed page 196:58.

26. Opinion of Harav Moshe Feinstein zt"l as quoted in Chol Hamoed page 96:footnote 12, and page 168:33.

27. Be'er Moshe 7:51, Avnei Yushfei 1:108:3, opinion of Harav Yaakov Kamenetsky zt"l as quoted in Chol Hamoed



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Purchasing an item which is not a *Yom Tov* need but gives joy when purchasing may not be bought on *chol hamoed*.²⁸

A store which is opened on *chol hamoed* may sell to Jew and non-Jews,²⁹ but may not sell to a Jew³⁰ who is buying for after *Yom Tov* use.³¹

Davar Ha'aved*³² - Not Available after *Chol Hamoed

An extremely common question asked before *chol hamoed* is if one is allowed to go shopping when it will be a loss to him if he does not go shopping, or if he does not open his store.³³

The *halacha* is that if something will not be commonly found after *chol hamoed* and will cause a loss, one is allowed to do the action on *chol hamoed*. This is known in *halacha* as a *davar ha'aved* (“a lost thing”).³⁴ In order for a *davar ha'aved* to be permitted it has to be a loss of principal as opposed to a loss of profit,³⁵ can not entail over-exertion,³⁶ and the work can not be planned specifically for *chol hamoed*.³⁷ This means if it could have been done before *Yom Tov* and it was pushed off until *Yom Tov* it is not allowed to be done³⁸ (i.e. shopping, see below). Work permitted for a *davar ha'aved* should be done in private rather than in public.³⁹

page 96:footnote 14. (Some say this is only if he is selling things needed for *Yom Tov*, see Avnei Yushfei ibid).

28. Rivevos Ephraim 8:534:3.

29. Magen Avraham 539:10, Elya Rabbah 18, Chai Adom 112:7, Mishnah Berurah 33, Kaf Ha'chaim 53, see Chol Hamoed page 169:34 quoting the opinion of Harav Moshe Feinstein zt”l.

30. One is not required to ask him if he is purchasing an item for after *Yom Tov* use (responsa of the Be'er Moshe as quoted in Chol Hamoed pages 196-197:59, see Chol Hamoed K'hilchoso 10:55).

31. Be'er Moshe 7:52, Opinion of Harav Yaakov Kamenetsky zt”l quoted in Chol Hamoed page 97:footnote 16, see Divrei Chachumim page 158:450.

32. Refer to Ohr Yisroel 5:pages 82-87 in depth where he lists many cases which fall under the title of “*davar ha'aved*.”

33. See Taz 539:2, Biur Halacha “*avol*,” Aruch Ha'shulchan 11.

34. Rambam Hilchos Yom Tov 7:22, Tur 539, Shulchan Aruch 537:1, 538 (whole simon), Chai Adom 106:4, Kitzur Shulchan Aruch 104:3,4, Mishnah Berurah 530:1, 537:1, 539:28, 32, 44, Aruch Ha'shulchan 537:1, Aruch Ha'shulchan 539:10, Shemiras Shabbos K'hilchoso 67:1-21, See Magen Avraham beginning of 537, Mishnah Berurah ibid, Biur Halacha 537 “*davar*” Aruch Ha'shulchan ibid and Kaf Ha'chaim 27 in regard to a doubt if there is a loss. Refer to Chai Adom 106:5 who says if there is a doubt if there will be a loss the work should be done through a non-Jew Some say an important person should not do a *davar ha'aved* on *chol hamoed* (Taz 537:6). Others say he should do it privately (Mishnah Berurah 537:54, this is if he did not deliberately do it on *chol hamoed*).

35. Shulchan Aruch ibid, Chai Adom 106:4, see Mishnah Berurah 539:15, 18.

36. Shulchan Aruch 537:2.

37. Shulchan Aruch 537:16, Chai Adom 106:13, Mishnah Berurah 538:4, 11.

38. Kitzur Shulchan Aruch 104:4.

39. Shulchan Aruch 538:2.

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One is not permitted to keep his store open (unless it is for *Yom Tov* needs or *daver ha'aved*) because that is the time that there are many customers (i.e. in *Eretz Yisroel* where many Americans are there for *Yom Tov*).⁴⁰

The *Chazzon Ish* zt"l and the *Steipler* zt"l did not sell their *seforim* on *chol hamoed* even if there were Americans who came and were unable to come back after *chol hamoed*, in which case it would be a loss to them.⁴¹

Many stores are not selling items which cause a loss if they are not sold, and are not selling items which are necessarily needed for *chol hamoed*.⁴² Some say the rational (even for a store not to have the gate partially down etc)⁴³ is that if the store is not kept open then there is a chance that the store owner will lose his customer since the customer will shop elsewhere on *chol hamoed*.⁴⁴ Others say that keeping the store open is needed for *parnasa* (to put bread on the table), and without this they have no money or *simchas Yom Tov* (see footnote).⁴⁵ In any case one who does not really need the money should close his store on *chol hamoed*.⁴⁶

One who does not conduct business on *chol hamoed* will be rewarded double fold.

Although keeping ones store open may be permitted in certain situations one should discuss doing so with his *Rav* beforehand.

Sale

Many times people wonder that if a store is having a sale is it permitted to buy the item on *chol hamoed*, since not buying the item will cause a loss of money to the purchaser.⁴⁷ Even if it is permitted one should not deliberately delay this until *chol*

40. Piskei Teshuvos 539:footnote 6.

41. Orchos Rabbeinu 2:page 122:11.

42. Opinion of Harav Yaakov Kamenetsky zt"l as quoted in Chol Hamoed page 98:footnote 25, and on page 172:11. Refer to Chasam Sofer O.C 1:1 (end), Kaf Ha'chaim 539:35.

43. Avnei Yushfei 1:108:5.

44. Biur Halacha 539 "eino," see Chai Adom 112:10. Even if one is open on *chol hamoed* in order to prevent a loss one may not do real work such as cutting material from a roll etc (Biur Halacha ibid). Refer to Chol Hamoed page 99:footnote 28 who says if a store is opened because he is concerned about losing money then he may do real work (quoting the opinion of Harav Yaakov Kamenetsky zt"l, see Mishnah Berurah 539:30, Piskei Teshuvos 539:footnote 13, Chol Hamoed pages 161-163 in depth). Refer to Moadim V'zemanim 4:300 who says the above concern is not a real *heter*.

45. Taz 2, Aruch Ha'shulchan 539:15, Kaf Ha'chaim 31, Moadim V'zemanim 4:300. Today in most cases if they are closed for *chol hamoed* this is not the case.

46. Moadim V'zemanim 4:300, see ibid:footnote 1 in regard to having faith that if one closes his store he will still have money.

47. Refer to Shulchan Aruch 5, 9, Mishnah Berurah 18, 29, Aruch Ha'shulchan 12.



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*hamoed*⁴⁸ (except for buying food).⁴⁹ The *poskim* say that a sale which is not common to occur would permit one to buy that item on *chol hamoed*,⁵⁰ but a sale which is not unusual (it will come again), one should not buy that item.⁵¹ A sale which is uncommon to come around is a sale prior to a non-Jewish holiday which may fall out the same time as *Pesach* etc.⁵² This is also common with a clearance sale or end of the season sale.⁵³

One who finds himself in a place on *chol hamoed* where they sell something which is not possible to be bought where he lives, is permitted to buy the item and does not have to make a special trip after *Yom Tov*.⁵⁴

One who is buying an item on *chol hamoed* is permitted to buy more of the same item even if it will not be used on *chol hamoed*.⁵⁵ Others say that one should not have intent to do so and if he has leftover he may use it after *Yom Tov*.⁵⁶ Some *poskim* say if they will charge less for the larger amount, even if he does not need it for *Yom Tov* one may purchase it.⁵⁷

One who needs an item right after *Yom Tov* which is on sale now (even if it's a common sale), may buy that item since he can not wait until the next sale.⁵⁸

Some say if there is a sale on *chol hamoed* and one is unsure if there will be another sale after *chol hamoed*, one is permitted to shop at that store.⁵⁹

Based on the above, one should be careful with buying on *chol hamoed* if one does not need it for *Yom Tov*; being off from work and having more time to shop is not a *heter*.⁶⁰

48. Shulchan Aruch 536:1, see Magen Avraham 539:2, Mishnah Berurah 540:27. If one is lazy and pushed it off then shopping etc is permitted (See Shar Ha'tzyion 540:23).

49. Chol Hamoed page 105.

50. Tosfas Mesechtas Moed Kotton 10b "u'vdavar," Shulchan Aruch 539:9. Opinion of the Be'er Moshe quoted in Chol Hamoed page 197:61, Opinion of Harav Moshe Feinstein zt"l and Harav Yaakov Kamenetsky zt"l quoted in Chol Hamoed page 106:footnote 74, and pages 169:40, 173:14, Ohr Yisroel 5:page 85, see Mishnah Berurah 19.

51. Shemiras Shabbos K'hilchoso 67:30, Emes L'Yaakov 539:footnote 494, Chol Hamoed K'hilchoso 10:34, 39, Rivevos Ephraim 1:357:1, Moadim V'zemanim 4:300, see Mishnah Berurah 539:43. Refer to Rivevos Ephraim ibid if one will have to wait a long time for the sale to come again if he is permitted to buy it on *chol hamoed*. See Kovetz Halachos Chol Hamoed (Harfenes) page 84:22.

52. Mishnah Berurah 539:19, Kaf Ha'chaim 35, Chol Hamoed K'hilchoso 10:34.

53. Chol Hamoed K'hilchoso 10:38.

54. Igros Moshe O.C. 5:36:3, opinion of the Be'er Moshe quoted in Chol Hamoed page 197:63, see ibid:page 106:footnote 77 quoting the opinions of Harav Moshe Feinstein zt"l and Yaakov Kamenetsky zt"l, see ibid:page 170:42, and page 173:14.

55. Be'er Moshe 7:50, opinion of the Be'er Moshe quoted in Chol Hamoed page 197:64.

56. Shemiras Shabbos K'hilchoso 67:27, Igros Moshe O.C. 5:36:3, see Chol Hamoed K'hilchoso 10:54.

57. Opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 169:38.

58. Opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 169:40.

59. Opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 169:39.

60. Shalmei Todah Chol Hamoed page 853, see Be'er Moshe 4:57.

Child Home from *Yeshiva*

It is very common for children to come home for *Yom Tov* and leave back to *Yeshiva* or seminary right after *Yom Tov*. It is preferable that the child stay back an extra day⁶¹ to shop rather than to shop on *chol hamoed* (for items not needed for *Yom Tov*).⁶²

Married children who visit their parents on *Yom Tov* may go shopping with them if they will pay for their purchases on *chol hamoed* and not when they return to their home.⁶³

Returning an Item

One who bought an item before *Yom Tov* with the clause that he may return it for money is only permitted to return it on *chol hamoed* if by not doing so he will lose his chance to return it.⁶⁴

Business in Private

Just as one is not allowed to do business publicly one may not do business out of the privacy of one's home⁶⁵ (unless it is done in one of the permitted ways, i.e. in need of *Yom Tov*).

Renting

It is permitted to rent a car on *chol hamoed* if it is needed for *chol hamoed*.⁶⁶ This is common when going on a family trip.

Borrowing and Re-paying Money

It is permitted to collect a debt,⁶⁷ and borrow or lend money⁶⁸ on *chol hamoed*.⁶⁹ If the money is needed for *Yom Tov* or it is a *davar ha'aved* then writing is permitted.⁷⁰ A

61. Even if it means he will miss learning *Torah* (Igros Moshe ibid).

62. Igros Moshe O.C. 5:36:3, opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 107:footnote 78.

63. Chol Hamoed page 107.

64. Opinion of the Be'er Moshe quoted in Chol Hamoed page 198:65, see Piskei Teshuvos 539:8:footnote 40, Chol Hamoed K'hilchoso 10:footnote 172, Chol Hamoed page 108, and page 170:43 quoting the opinion of Harav Moshe Feinstein zt"l.

65. Bais Yosef 539, Aruch Ha'shulchan 8, Kaf Ha'chaim 3, see other opinions in Bais Yosef.

66. Be'er Moshe 7:46, Piskei Teshuvos 539:10, see Chol Hamoed K'hilchoso 10:9.

67. Shulchan Aruch 539:2, Aruch Ha'shulchan 5, see Mishnah Berurah 11, Biur Halacha "b'piroyon," Refer to Tur, Bais Yosef 539.

68. One who wishes to lend money with *ribbis* should consult his *Rav*.

69. Shulchan Aruch ibid.

70. Mishnah Berurah 545:37.



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(Jewish) bank or finance company may not lend money⁷¹ if there is no *davar ha'aved*.⁷² Writing (see below) is only permitted if the money is a *Yom Tov* need or to prevent a loss (*davar ha'aved*).

Bank Transactions

One who has a check, which he is concerned, that if he does not cash it then there will not be sufficient funds to cover it after *chol hamoed*, may cash it on *chol hamoed*.⁷³ In addition, if one needs the money for a *chol hamoed* need it is permitted.

Paying Bills

It is permitted to pay bills on *chol hamoed* if one did not have time to do so beforehand. This is only permitted to prevent being charged interest or having service stopped.⁷⁴

Stocks

Before buying or sell stocks on *chol hamoed* one should speak to a competent Rabbi.⁷⁵

Deliveries

It is permitted to accept a delivery⁷⁶ for an item which was bought before *Yom Tov* even if the item is not needed for *Yom Tov*.⁷⁷

Writing on *Chol Hamoed*

Since many times when going shopping or doing business one has to write a check etc. we will discuss the *halachos* of writing on *chol hamoed* as it applies to shopping, business dealings, as well as learning (common question), and not how it applies to other areas (i.e. *sofer*, calligrapher⁷⁸ etc).

The Source

Writing is included in the *melachos* which are not permitted to be done on *chol hamoed*.⁷⁹ However, there is a distinction as to which kind of writing one wishes to

71. Shulchan Aruch 539:14.

72. The reason is because it is considered business (Mishnah Berurah 47, Aruch Ha'shulchan 19).

73. Be'er Moshe 7:53.

74. Shemiras Shabbos K'hilchoso 67:17, Chol Hamoed K'hilchoso 10:25:3, see Be'er Moshe 7:47.

75. Refer to Chol Hamoed page 169:36, see *ibid*:page 103:footnote 53.

76. One may not go pick it up (Biur Halavcha "b'piroyon").

77. Refer to Biur Halacha 539 "b'piroyon."

78. Chol Hamoed K'hilchoso 6:6, Chol Hamoed page 167:22.

79. Mesechtas Moed Kotton 18b, Rambam Hilchos Yom Tov 7:13, Tur 545, Bais Yosef, Shulchan Aruch 545:1, Chai

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do. Our writing⁸⁰ that we are accustomed to doing is not a professional writing which is *ossur*,⁸¹ (except for certain situations) and therefore is considered by most *poskim* as ordinary writing and permitted on *chol hamoed* in certain instances.⁸² The *Biur Halacha*⁸³ says one should avoid writing if it is not a big need or for business.

Public need

If one is writing for a public need (the way we write unprofessionally) one is permitted to do so during *chol hamoed* without a *shinui*.⁸⁴ When one is writing for a public need it is permitted even if it is not for the need of *chol hamoed*.⁸⁵ For example, one is permitted to write a check to a *tzedaka* organization on *chol hamoed*.⁸⁶ In addition writing a receipt for the donation is also permitted since if no receipt is written the donor may not donate in the future.⁸⁷

Adom 111:1, Kaf Ha'chaim 1.

80. Which includes *Rashi* letters as well (Shar Ha'tzyion 545:8).

81. Shulchan Aruch 545:1, Mishnah Berurah 4, see Magen Avraham I, Mishnah Berurah 1.

82. Rama 545:1, Mishnah Berurah 5, Aruch Ha'shulchan 6, Heichel Yitzchok O.C. 56, Ohr L'tzyion 3:24:7. Puzzles are not considered writing and are permitted on *chol hamoed* (Chol Hamoed K'hilchoso 6:87). Magic Slate is not writing (Refer to Mishnah Berurah 30, Aruch Ha'shulchan 545:18, Chol Hamoed page 195:54 quoting the opinion of the Be'er Moshe). The same is true for writing on a cake (*Chol Hamoed* K'hilchoso ibid:88). A calculator is not considered writing (Chol Hamoed page 195-196:56 quoting the opinion of the Be'er Moshe, Chol Hamoed K'hilchoso 6:98-99:footnote 226). Taking videos is not considered writing (Chol Hamoed K'hilchoso 6:106). Recording on a tape is not considered writing (Chol Hamoed page 168:32 quoting the opinion of Harav Moshe Feinstein zt"l, Chol Hamoed K'hilchoso 6:108). There is a dispute if printing out information is considered a professional act (Chol Hamoed page 91). The opinion of Harav Yisroel Belsky Shlita is that one may not print something out if it is not a public need or a loss, see opinion of Harav Moshe Feinstein zt"l quoted in Divrei Chachumim page 157:447). Copying and faxing should not be done if it is not for a public need or a *davar ha'aved* (Harav Yisroel Belsky Shlita, see Divrei Chachumim ibid). Taking pictures on *chol hamoed* even with a digital camera is permitted (Harav Yisroel Belsky Shlita). Taking pictures with a Polaroid camera is forbidden (Harav Yisroel Belsky Shlita, see Chol Hamoed page 91:footnote 48 quoting the opinion of Harav Yaakov Kamenetsky zt"l, see ibid page 172:13, and ibid footnote 47 quoting the opinion of Harav Moshe Feinstein zt"l who is lenient, see ibid:page 168:31). Developing pictures may not be done on *chol hamoed* unless it is for a public need or a real loss (Refer to Chol Hamoed page 91). According to the stringent opinion regarding taking pictures (see Chol Hamoed page 92, Orchos Rabbeinu 2:page 122:10 quoting the opinion of the Chazon Ish zt"l), it would be permitted if a rare opportunity occurs that one needs to take a picture. For example, when one visits a *gadol hador* on *chol hamoed* (Refer to Chol Hamoed page 92:footnote 57 quoting the opinion of Harav Yaakov Kamenetsky zt"l, Moadim V'zemanim 4:298:footnote2).

83. "afilu."

84. Magen Avraham 545:3, Mishnah Berurah 5, Biur Halacha "v'ltzorech," Kaf Ha'chaim 11. Refer to Aruch Ha'shulchan 545:1.

85. Rama 545:1, Chol Hamoed page 88:footnote 20.

86. Chol Hamoed page 88, page 168:26 quoting the opinion of Harav Moshe Feinstein zt"l, also see ibid:page 193:48 quoting the opinion of the Be'er Moshe, Chol Hamoed K'hilchoso 6:71. If one has cash do not write the check (Chol Hamoed K'hilchoso ibid).

87. Ibid:page 167:27 page 193:48 quoting the opinion of the Be'er Moshe.



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Business

One who is writing for business where not doing so would be considered a *davar ha'aved* if it is not written, may write (even professionally) without any *shinui*.⁸⁸ Any other writing which if not done would be a loss is also permitted on *chol hamoed* (see below how this applies to *Torah*).⁸⁹ An example of this is a store owner who wishes to write down what a customer purchased on credit.⁹⁰ In addition, one who is afraid of losing cash may do the necessary writing involved to make a deposit at the bank.⁹¹

One is permitted to write a *cheshbon* (list) on *chol hamoed* even if it is not for *chol hamoed* use, since one may enjoy doing it; this is considered a *Yom Tov* need.⁹² Under the above *halacha* falls any lists which one writes in order not to forget something.⁹³

Yom Tov Need

If something is not a *davar ha'aved* it is still permitted to be written if it is needed for *Yom Tov*.⁹⁴

The following are some examples of a *Yom Tov* need:

Someone who does not have money may write out a check to give to his grocer. A child may draw pictures in a coloring book since he enjoys doing it.⁹⁵ One who gets a delivery on *chol hamoed* may sign for it if otherwise the object will be returned to the sender, or if it is a *Yom Tov* need.⁹⁶

Changing the Writing

Poskim say even if it is permitted to write the way we do (i.e. unprofessionally) one should try to make a *shinui* in the manner of writing⁹⁷ (in certain instances it is permitted without this,⁹⁸ see above).

88. Refer to Mesechtas Moed Kotton 12b, Meiri Mesechtas Moed Kotton 19a, Shulchan Aruch 545:5, Magen Avraham 545:20, Mishnah Berurah 545:35, Biur Halacha "afilu," Aruch Ha'shulchan 13, Kaf Ha'chaim 56.

89. Chai Adom 111:3, Mishnah Berurah 545:42, Aruch Ha'shulchan 545:1.

90. Mishnah Berurah 545:19, Chol Hamoed K'hilchoso 6:59.

91. Chol Hamoed page 89:3:c.

92. Rambam Hilchos Yom Tov 7:14, Shulchan Aruch 545:4, Magen Avraham 545:11, Chai Adom 111:3, Mishnah Berurah 545:18, Aruch Ha'shulchan 5, see Taz 6, Opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 168:25. Others say it is permitted for different reasons see Rambam Hilchos Yom Tov 7:14, Bais Yosef 545.

93. Aruch Ha'shulchan 545:18, Be'er Moshe 7:38.

94. Magen Avraham 545:11, Chai Adom 111:3, Mishnah Berurah 545:18, Aruch Ha'shulchan 545:1.

95. Refer to Kovetz Halachos Chol Hamoed page 31, Chol Hamoed page 88.

96. Chol Hamoed K'hilchoso 6:74.

97. Mishnah Berurah 545:35.

98. Mishnah Berurah 545:5.

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בן עולם
הפא...
(נדה עג.)

Writing with a *Shinui*

Some have the custom to always write on a slant on *chol hamoed* even for a *Yom Tov* need, and this is considered a *shinui*.⁹⁹ Holding the pen in a different manner is not considered a *shinui*.¹⁰⁰ A *shinui* is only permitted for writing which is permitted according to *halacha*, and not for just any writing.¹⁰¹ If there will be a loss, then writing on a slant is not required.¹⁰²

Torah

Many times the question is asked if one is learning on *chol hamoed* and he wishes to write down his *Torah* is that permitted or not?

One who is learning¹⁰³ and wishes to write a novel explanation of the *Torah* down on paper in order not to forget it may do so.¹⁰⁴ This is true if he heard the novel explanation or he thought of it on his own.¹⁰⁵ The reason why writing ones *Torah* is permitted is because if he does not write the *Torah* down now he may forget it and there is no greater loss than the loss of *Torah*.¹⁰⁶ Others say if one would be required to wait until after *Yom Tov* to write it down one will be missing the opportunity to learn more *Torah* at that time and one is therefore wasting time, and wasting time is a great loss.¹⁰⁷

Some had the custom not to write *Torah* on *chol hamoed*,¹⁰⁸ while others did not refrain from this.¹⁰⁹ The custom seems to be like the second opinion.

99. Refer to Taz 545:12, Magen Avraham 21, Elya Rabbah 42, Chai Adom 111:4, Mishnah Berurah 545:34, 43, Aruch Ha'shulchan 13 Orchos Rabbeinu 4:pages 170-172. See Ohr L'tzyion 3:24:7 who says today we do not need a *shinui* since all agree that our handwriting is unprofessional.

100. Chol Hamoed K'hilchoso 6:12.

101. Shulchan Aruch 545:7. However, if one changes the way the words themselves look then it is permitted (Taz 12, Magen Avraham ibid, Mishnah Berurah 43). Some say if one changes the way it is written then it is permitted even without a *Yom Tov* need or a public need not needed for *Yom Tov*. (Refer to Chol Hamoed K'hilchoso 6:11).

102. Mishnah Berurah 545:35.

103. One can put himself in this situation on *chol hamoed* even though he knows he will come to write (Mishnah Berurah 545:47).

104. Shulchan Aruch 545:9, see Bais Yosef 545. Refer to Rashba 3:273 who argues. This is permitted even though today we have tape recorders and one can technically record the *Torah* and write it after *Yom Tov* (Shevet Ha'Kehusi 1:165).

105. Mishnah Berurah 545:47.

106. Refer to Ritva Mesechtas Moed Kotton 18b, Sharei Teshuva 545:2, Birchei Yosef 545:2, Mishnah Berurah 545:7, Teshuvos V'hanhugos 3:152.

107. Taz 545:13, Kaf Ha'chaim 78-79, see Aruch Ha'shulchan 545:19. Many *poskim* wrote *teshuvos* on *chol hamoed* (Refer to Radvaz 1:357, Chasam Sofer E.H. 2:86, see Chasam Sofer O.C. 1:182, E.H. 86, Chol Hamoed K'hilchoso pages 209-211). However, see Igros Moshe Y.D. 1:241, Chol Hamoed K'hilchoso 6:page 210. Harav Moshe Feinstein zt"l did not write on *chol hamoed* (as related by Harav Aron Felder Shlita).

108. Kinyan Torah 2:97, Orchos Rabbeinu 2:page 124:23 quoting the custom of the Steipler zt"l, 4:page 172:54, Minchas Yitchok 2:64, Kol Mevaser 2:35.

109. Orchos Rabbeinu ibid quoting the custom of the Chazzon Ish zt"l, see Teshuvos V'hanhugos 3:152.



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One who sees a rare *sefer* may copy it (by hand, see below regarding a copy machine) if he will not have the *sefer* after *Yom Tov*.¹¹⁰

Writing a *sefer* for the public is permitted to do so during *chol hamoed*.¹¹¹

Shopping

One who goes shopping on *chol hamoed* (in the permitted manner) is permitted to sign a credit card receipt given after a purchase, may write a shopping list,¹¹² and do anything else needed to complete his purchase, such as writing a check. One who wants to be stringent should sign with a *shinui* (on a slant).

Purchasing Online

Today many times one wishes to order items online which involves going onto a computer. The question is if typing on a computer is considered a professional writing in which case it is forbidden (if it is not a public need for *Yom Tov* or a *davar ha'aved*), or is it considered like an ordinary writing which is permitted for *Yom Tov* need, public need and *davar ha'aved*?

Computer

To decide whether a computer is considered professional writing or ordinary writing is dependent if you look at the action or the result of the letter being typed into the computer.¹¹³ Pressing buttons on the computer does not require skill, and therefore typing is not considered a skilled or professional action.¹¹⁴ Others say that since the letters made by a computer are perfectly formed, and require a developed skill, they are considered a skilled work.¹¹⁵

According to the lenient opinion one is permitted to order an item on-line since it is not a professional act. Some question if one is allowed to print out a receipt or anything from a computer on *chol hamoed*. Many *poskim* say doing so is permitted and

110. Aruch Ha'shulchan 545:19. To print a *sefer* a give it to a non-Jew is forbidden (Kaf Ha'chaim 30, see Be'er Moshe 7:41, Piskei Teshuvos 545:7).

111. Taz 545:13. Some say if one will not have time after *Yom Tov* he may even correct manuscripts for a *sefer* on *chol hamoed* (Refer to Chol Hamoed K'hilchoso 6:41:footnote 92, see Yabea Omer Y.D. 2:26).

112. Shemiras Shabbos K'hilchoso 66:11, opinion of Harav Moshe Feinstein zt"l quoted in Divrei Chachumim page 157:447, Ohr L'tzyion 3:24:7.

113. Refer to Chol Hamoed K'hilchoso 6:88, Piskei Teshuvos 545:2. Saving information on a hard drive is permitted according to some *poskim* (Chol Hamoed pages 90-91 quoting the opinion of Harav Moshe Feinstein zt"l, see *ibid*:page 168:32).

114. Opinion of Harav Elyashiv Shlita quoted in Yeishiv Moshe page 63, Opinion of Harav Moshe Feinstein zt"l quoted in Chol Hamoed page 168:30, Yabea Omer O.C. 8:48:3, Chol Hamoed page 90, Shevet Ha'Levi 6:37.

115. Harav Yisroel Belsky Shlita, opinion of Harav Yaakov Kamenetsky zt"l as quoted in Chol Hamoed page 91:footnote 48, see Yabea Omer O.C. 8:48, Be'er Moshe 7:41, Ohr L'tzyion 3:24:7, opinion of Harav Yaakov Kamenetsky zt"l quoted in Chol Hamoed page 172:13, Moadim V'zemanim 4:300, see Rivevos Ephraim 4:124:18. Refer to Shevet Ha'Levi 6:37.

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is not considered a skilled work.¹¹⁶ The lenient opinion above would permit making photocopies and faxing on *chol hamoed* as well.¹¹⁷

It should be noted that even if typing on a computer is not a professional act, it is only permitted if it is a *davar ha'aved* or a *Yom Tov* need.

According to the lenient opinion, one who needs money on *chol hamoed* is permitted to use an ATM machine.¹¹⁸

116. Refer to Chol Hamoed page 91 quoting the opinion of Harav Moshe Feinstein zt"l, see *ibid*:page 168:31, Shemiras Shabbos K'hilchoso 66:footnote 209 quoting the opinion of Harav Shlomo Zalman Aurbach zt"l. According to the strict opinion it is only permitted if it is a *davar ha'aved* or a public need for *chol hamoed*.

117. Chol Hamoed page 91.

118. Chol Hamoed K'hilchoso page 446:227.



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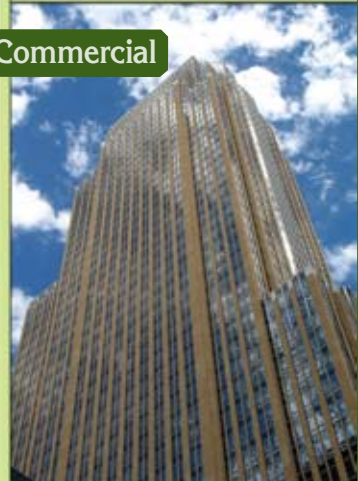


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