

## **SELECTED HALACHOS OF CHOL HAMOED**

### **DAVAR HA'AVUD, FINANCIAL LOSS**

One of the situations where Chazal permitted working on Chol HaMoed is when financial loss will result if the job waits until after Yom Tov. This is allowed because otherwise someone may worry about his loss and spoil his simchas Yom Tov (Ritva, Moed Katan 13a).

Another application of financial loss is that one may repair a broken lock or a broken alarm system on Chol HaMoed (Mishnah Moed Katan 11a). Similarly, someone may remove a stain from a garment that might become ruined. An employee may go to work on Chol HaMoed if taking vacation will jeopardize his job. However, if he can take unpaid vacation on Chol HaMoed without jeopardizing his job, he may not work.

Someone may purchase an item that he will definitely need after Yom Tov if the item is on sale during Chol HaMoed. Poskim conclude that this is considered a *davar ha'avud* (Shulchan Aruch Orach Chayim 539:9).

Because of *davar ha'avud*, the Mishnah (Moed Katan 2a) permits watering an irrigated field on Chol HaMoed, if a week without water will harm the growing produce. However, one may not irrigate a field that receives adequate rain, even though it benefits considerably from additional water. The latter situation is one of creating profit, for which I may not do *melacha* on Chol HaMoed, because one may only do *melacha* to avoid loss and not to avoid loss of profit (Shulchan Aruch Orach Chayim 537:1). Thus, although one may not engage in commercial activity in order to generate new business, one may service existent customers.

The rationale for distinguishing between loss and potential profit is that people become upset when they lose something they already own and this then disturbs their Yom Tov, but are bothered much less when they lose potential profit.

### **LAUNDRY**

Chazal prohibited laundering, shaving and haircutting on Chol HaMoed precisely in order to enhance Yom Tov. In earlier days, people did their laundry and shaved very occasionally and could have postponed attending to them before Yom Tov. To enhance Yom Tov observance, Chazal prohibited laundering, shaving and haircutting on Chol HaMoed to guarantee that people would make sure to attend to such things before Yom Tov.

Chazal permitted laundering handkerchiefs and children's clothes, since even if they are washed before Yom Tov they get soiled very quickly (Mishnah Moed Katan 14a; Shulchan Aruch 534:1).

Many poskim permit removing a spot from a garment on Chol HaMoed, contending that this was not included in the *gezeirah*. However, one may not have this garment dry cleaned even at a gentile's shop since this would indeed violate the *gezeirah* against doing laundry. One may iron because it is not included in the *gezeirah* (541:3). However, one may not make a new pleat because it is skilled work [*melechtes uman*] (Magen Avraham 541:5).

### **WORK THROUGH A GENTILE**

May a gentile do work on my behalf on Chol HaMoed that Chazal prohibited me to do myself? In general, if I may not do something myself on Chol HaMoed, I may not have a gentile do it either (Gemara Moed Katan 12a; Shulchan Aruch Orach Chayim 543:1). However, if the non-Jew is a contractor paid by the job, there are some situations when I may allow him to work on Chol HaMoed.

### **WHY IS THIS CASE DIFFERENT?**

When I pay someone by the job, it is halachically viewed as if he is working for himself and not for me. Therefore, when I hire a non-Jewish contractor and he chooses to work on Shabbos or Chol HaMoed, it is not considered that someone is working for me on these holy days. I may therefore allow him to work on Chol HaMoed, provided no one thinks that he is my employee.

Therefore, if I meet the following conditions, I need not prevent the gentile from working on Chol HaMoed:

1. I pay him a flat fee to complete the job, not an hourly or daily wage.
2. I do not instruct him to work on Chol HaMoed, and I hire him before Yom Tov.
3. The gentile performs the work in a way that Jews do not know that he is working for a Jew. Thus, the gentile must work on his own premises and in a way and place that no one knows that he is working for a Jew....

*Chol HaMoed provides many unique mitzvah opportunities. By observing it properly, we demonstrate the tremendous *os* between Hashem and us. May we always merit to demonstrate Hashem's presence amongst us and in His world!! (Rabbi Yirmiyohu Kaganoff, RabbiKaganoff.com. For final rulings, consult your Rav.)*