



Tzorchei Rabbim during Chol Ha'Moed

During *Chol HoMo'ed* many activities are prohibited. We have previously studied the source and scope of the prohibition (see Volume 2 Issue 46). The *Mishnah* lists many individual cases where particular activities are permitted, from which we build a picture of what is permitted and the activities that are not. As an exception, one general permit is given, and that is *tzorchei rabim* – public needs. There is a danger when trying to draw *halachic* conclusions directly from *Mishnayot* as quotes can be used to justify practices far beyond their intended meaning. *Tzorchei rabbim* is potentially one such example, about which we find the scope is quite restricted.

The *Gemara* (5a) explains that the term *tzorchei rabbim* comes to include digging wells. The *Gemara* includes a number of cases where *Chachamim* permitted the dredging of rivers used for drinking water based on this same principle. The limited, yet similar cases, suggest that the justification of *tzorchei rabbim* is not as broad as one might think.

The *Rosh* (1:6) cites the *Raavad* who, when explaining one of the cases, explained that the channelling of the water provided the city with an abundance of water and is therefore considered *tzorchei rabbim*. Despite the fact the project required a lot of effort and was performed in public view, it was permitted since the project required everyone to chip in. Consequently a time when everyone was off from work, and could come together, was the only time that the channel would be dug. The *Rosh* cites the *Yerushalmi* that similarly brings this justification to explain why such work can be scheduled for *Chol HaMoed*. The *Magen Avraham* however notes, that if an individual is entrusted to completed the projected, then there is no longer a justification to perform the work in *Chol HaMoed*.

Given that public projects that require everyone's input are permitted as this is the only time that they can be completed, the *Raavad* asks why, when it comes to the digging of wells and cisterns, must it also be needed for *Chol HaMoed*? The *Raavad* explains that in that case, since their construction are *maaseh uman* – professional work – it is only permitted during *Chol HaMoed* if it is need then. In summary, we find that when the *Mishnah* permits *tzorchei rabbim*, it is referring to a public project that require everyone's input. If however work required is professional work, then it must also be for the needs of *Chol HaMoed*.

We find a further restriction in the *Beit Yosef* (544) who cites the *Rashba* that was asked whether it was permissible to build a *shul* during *Chol HaMoed*. The *Rashba* felt it was prohibited. Firstly, it is *melechets uman* and delaying its construction would not incur a loss. Furthermore, it was not needed for *Chol HaMoed* as there was an existing *shul*. Finally, the *Rashba* is unsure whether the permit of *tzorchei rabbim* only applies to matters that are *tzorchei guf* – bodily needs – as in the case of the wells. The *Rama* (544:1) rules like the *Rashba* that *maaseh uman* that are not *tzorchei guf* are not permitted during *Chol HaMoed*. Consequently we find that if the work is *maaseh uman* it must be required for the *Moed* and *tzorchei guf*.

The *Aruch HaShulchan* cites opinions that permit the construction of *shuls* today out of concerned that the *shul* will not be built. He also cites others that allow the repair of *shul* benches to prevent disputes. Nevertheless the *Aruch HaShulchan* distances himself from such repairs and writes that a local ruling would depend on the state of the city as such *heteirim* can be degrading to the *Moed*. Consequently, even if a certain activity might be permitted, consideration regarding a potential degradation of the *Moed* would be reason to forbid it.¹

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¹ The sources were taken from the *Minchat Yitzchak* (6:52). In the responsa, the *Minchat Yitzchak* was asked regarding the construction of *Shaarei Tzedek* hospital during *Chol HaMoed*, and if prohibited, could building supplies be delivered then. These are only some of the sources the *Minchat Yitzchak* cited. The *Minchat Yitzchak* prohibited the construction (since it is *maaseh uman* and

not needed for the *Moed*), but permitted the delivery of the supplies under specific conditions. Unfortunately, the room allocated to these articles is insufficient to present the full responsa satisfactorily and I strongly encourage readers to see the responsa in full.

Revision Questions

מגילה ד: די – ו'

- What is the minimum number of *p'sukim* that must be read for an *aliyah*? (ד: י')
- Explain how the *Torah* reading would be performed with a *meturgeman*? (ד: י')
- Explain how the *haftorah* reading would be performed with a *meturgeman*? (ד: י')
- What other honours would they give the person that read the *haftorah*? (ד: ה')
- Can a minor be a *ba'al koreh*? (ד: ו')
- Can a minor be a *chazzan*? (ד: ו')
- What is a "*poche'ach*" and which parts of *tefillah* is he prohibited from taking part? (ד: ו')
- Concerning a *kohen's* hands, what invalidates him from performing *birkat kohanim*? (List both opinions) (ד: ז')
- What manner of wearing *tefillin* is described as: (ד: ח')
- *Derech minut*?
- *Derech ha'chitzonim*?
- What are the three phrases that if one says in his *tefillah*, we must silence him? (ד: ט')
- Which of the following are read (from the *Torah*) but not translated: (ד: י')
- *Ma'aseh Reuven*?
- *Ma'aseh Tamar*?
- *Ma'aseh egel*? (Be specific)
- *Birkat Kohanim*?
- *Ma'aseh David ve'Amnon*?

מועד קטן א' א' – ז'

- What restrictions are placed on watering fields during *Chol Ha'moed*? (א: א')
- What is the difference regarding installing and fixing irrigation pipes in a field during *Chol Ha'moed* and the *shmittah* year? (Include both opinions) (א: ב')
- List some of the work for public needs that are permitted on *Chol Ha'moed*? (א: ב')
- Can one water seeds during *Chol Ha'moed* that were not watered previously? (א: ג')
- Can one hunt field mice on *Chol Ha'moed*? (א: ד')
- Can one fix a breach in a fence in a regular manner on *Chol Ha'moed*? (א: ד')
- Explain the debate regarding whether a *kohen* can check *nega'im* on *Chol Ha'moed*? (א: ה')

All the following questions relate to *Chol Ha'moed*:

- Can any work be performed on burial chambers? (א: ו')
- When can coffins be constructed? (Include both opinions) (א: ו')
- Are marriages allowed? (Careful) (א: ז')
- Are women allowed to apply makeup? (א: ז')

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Melbourne, Australia

Friday & Shabbat
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ON KOL HALOSHON**

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 January כ' טבת	8 January כ"א טבת	9 January כ"ב טבת	10 January כ"ג טבת	11 January כ"ד טבת	12 January כ"ה טבת	13 January כ"ו טבת
Moed Katan 1:8-9	Moed Katan 1:10-2:1	Moed Katan 2:2-3	Moed Katan 2:4-5	Moed Katan 3:1-2	Moed Katan 3:3-4	Moed Katan 3:5-6

