YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Ḥol HaMoed* (Intermediate Days of Passover and Sukkot)**[[1]](#footnote-1)

**By Rav Binyamin Tabory**

The Torah contains a number of sections dealing with the laws of Yom Tov. In *Parashat Bo* (Ex. 12:15–16), in connection with the Exodus narrative, the Torah presents the laws of Passover for the first time. It establishes the requirement to observe a seven-day festival, the first and last days of which are to be observed as *mikra kodesh* (a holy assembly), on which no *melakha* (labor) may be performed (Ex. 12:15–16). In *Parashat Emor* (Lev. 23:37), however, the Torah describes all the holidays with the term “*mikra’ei kodesh*.” The *Mekhilta* (*Bo* 9) deduces from this description that even the period of *Ḥol HaMoed* is considered *mikra kodesh*. Accordingly, Maimonides (*Hilkhot Yom Tov* 7:1) mentions that although *Ḥol HaMoed* is not called *shabbaton*, it is nevertheless a *mikra kodesh*.

In light of this principle, some Rishonim maintain (based on Moed Katan 18a) that *melakha* is biblically forbidden on *Ḥol HaMoed*. This position, however, must explain why some *melakha* is permitted on *Ḥol HaMoed*. True, even on Yom Tov itself one may perform *melakha* for purposes of preparing food. On *Ḥol HaMoed*, however, halakha permits other categories, as well, such as *davar haaved* (work that must be done to avoid financial loss) and work involving public concern. This led the Rosh and others to conclude that Torah law permits all *melakha* on *Ḥol HaMoed*, but *Ḥazal* later forbade certain types of *melakha* while permitting others. By contrast, Nahmanides and Rashba held that all *melakha* that neither is necessary for Yom Tov nor could incur a financial loss is biblically forbidden. The Rabbis then added other *melakha* prohibitions on *Ḥol HaMoed*, such as *maaseh omman* (skilled work).

The *Yere’im* (417, 418) goes so far as to include all eight days of Sukkot in the biblical mitzvot of sanctifying Yom Tov and refraining from *melakha*. Although he expresses some doubt about this matter, he nevertheless enumerates these two mitzvot and claimed that they apply to all eight days of Sukkot.

The *Beit Yosef* (*Oraḥ Ḥayim* 530) cites all these sources and then advances a theory of his own. He explains that the Torah itself prohibits performing *melakha* on *Ḥol HaMoed*, but it left it to our Sages to determine which types of *melakha* should be included under this biblical prohibition. Apparently, according to the *Beit Yosef*, there is a biblical requirement that *Ḥol HaMoed* must have the character of a Yom Tov, but not be identical to Yom Tov. The very term “*Ḥol HaMoed*” (literally, “the weekdays of the festival”) implies this dual characteristic of being simultaneously a Yom Tov and a weekday. Therefore, while the Torah required us to abstain from some *melakha* on *Ḥol HaMoed*, it was desirable to have other *melakha* permitted. It left the exact parameters for the Sages to establish.

The *Beit Yosef* brings a precedent for the concept that the Torah assigns the Sages the task of determining the parameters of a given law from the opinion of the Ran regarding the laws of Yom Kippur. The Ran maintains that the Torah requires experiencing *innui* (some type of affliction) on Yom Kippur, and empowered the Sages to delineate the activities from which we must refrain to achieve *innui*. It should be stressed that whatever our Sages included under this prohibition is considered biblically forbidden. Interestingly, Rabbi Dovid Cohen published a pamphlet (*Gevul Yaavetz*, Brooklyn, 1986) with over fifty possible examples of this type of biblical law, where the Torah leaves it for the Sages to determine its details.

Does the concept of *mikra kodesh* apply to other issues, as well, besides the prohibition of *melakha*? The *Mekhilta* (*Bo* 9) explains that this status requires us to sanctify *Ḥol HaMoed* (as well as Yom Tov) through food, drink, and special clothing. Maimonides (*Hilkhot Yom Tov* 6:16) writes that the requirements of *kavod* (honor) and *oneg* (enjoyment) apply to *Ḥol HaMoed*, just as they do to Shabbat, because Yom Tov also is called *mikra kodesh*. Given Maimonides’ later remark (7:1) that *Ḥol HaMoed* also is called *mikra kodesh*, it follows that the mitzvot of *kavod* and *oneg* apply then, as well. Accordingly, we are required to eat a meal on *Ḥol HaMoed* just as on Yom Tov.

There is a general rule that whenever halakha requires eating a meal (such as Shabbat and Yom Tov), one must repeat *Birkat HaMazon* if he inadvertently omitted the appropriate addition (*Retzeh* on Shabbat and *Yaaleh VeYavo* on Yom Tov). It would follow, therefore, that even on *Ḥol HaMoed* someone who omitted *Yaaleh VeYavo* in *Birkat HaMazon* must recite it again. The *Shulḥan Arukh* (*Oraḥ Ḥayim* 188:7), however, ruled that *Ḥol HaMoed* resembles Rosh Ḥodesh in this respect, and one need not repeat *Birkat HaMazon* if he omitted *Yaaleh VeYavo*. Rabbi Akiva Eiger (Responsum 1; addendum at end of volume) understood this as proving our premise wrong. He claims that although Maimonides (*Hilkhot Yom Tov* 6:17, 22) writes that the obligation of *simḥa* (rejoicing) applies to *Ḥol HaMoed*, he does not require *kavod va’oneg* on *Ḥol HaMoed*. He ignores Maimonides’ comments that *Ḥol HaMoed* is considered *mikra kodesh* and that all days of *mikra kodesh* require *kavod va’oneg*.

The *Ḥafetz Ḥayim* (*Shaar HaTziyyun* 530a) suggested a middle position to resolve this difficulty. He writes that although there indeed exists an obligation of *kavod va’oneg* on *Ḥol HaMoed*, as stated in the *Mekhilta*, this *kavod va’oneg* requires merely treating *Ḥol HaMoed* as a day more special than a regular weekday. It does not mean that we must treat it as an actual Yom Tov. Thus, for example, there is no obligation to eat a meal on *Ḥol HaMoed*, despite the fact that such an obligation applies on Yom Tov. Therefore, if one omitted *Yaaleh VeYavo* in *Birkat HaMazon*, he need not repeat it.

The Mishna (Avot 3:11) says in the name of R. Elazar HaModa’i that whoever disgraces the “*mo’adot*” has no share in the World to Come. Rashi explains that “*mo’adot*” refers to *Ḥol HaMoed*. Anyone who performs (forbidden) labor or treats *Ḥol HaMoed* as a regular weekday with regards to food and drink has no share in the World to Come. According to Rashi, this mishna does not refer to Yom Tov at all. Since *Ḥol HaMoed* is not to be treated as an actual Yom Tov, a person may be inclined to take it lightly. Therefore, R. Elazar included *Ḥol HaMoed* in the mishna to impress upon us the importance of treating *Ḥol HaMoed* as something more than an ordinary weekday. Rabbenu Yona (ad loc.) adds that the verb used in the mishna is “disgrace,” rather than “desecrate.” A person who *disgraces* *Ḥol HaMoed* treats it as a regular weekday and does not demonstrate that it is a day of *mikra kodesh*. With this in mind, we can understand the position of the *Yere’im* cited towards the beginning of the *shiur*. The Torah requires observing the days of *Ḥol HaMoed* by treating them in some way as days of *mikra kodesh*. Although we are not to treat them in precisely the same manner as we do Yom Tov, they are nevertheless included under the same *mikra kodesh* obligation as Yom Tov itself.

1. Excerpted from Rav Binyamin Tabory’s book [*The Weekly Mitzva*](https://www.korenpub.com/maggid_en_usd/maggid/partnerships/yeshivat-har-etzion/the-weekly-mitzva.html)(Maggid, 2015). [↑](#footnote-ref-1)