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סימן תק"ל סעיף א'

Halacha Highlight

Drinking wine during *chol hamoed*

Shulchan Aruch Siman 530 Seif 1
חל המועד
Regarding *chol hamoed*

Shulchan Aruch writes that on *chol hamoed* some *melachos* are prohibited and some *melachos* are permitted. Mishnah Berurah (סק"א) presents a debate regarding the nature of the prohibition against *melacha* on *chol hamoed*. Some authorities maintain that the prohibition is Rabbinic. Chazal did not want people to treat *chol hamoed* the same as a weekday so they prohibited certain *melachos*. Many others argue that the prohibition is Biblical but the Torah empowered Chazal to set up the parameters of the prohibition. He then warns that one should not be more lenient than Chazal since one who does not properly respect *chol hamoed* is comparable to an idolater.

Mishnah Berurah (שם) also writes that there is an obligation to honor *chol hamoed* with food, drink and clean clothes so that it should not be treated as a weekday. He notes that although there is no obligation to eat bread and the only restriction is against fasting, nevertheless, *l'chatchila* there is a *mitzvah* to eat bread at night and during the day. Some *Poskim* maintain that there is also an obligation to drink wine each day of *chol hamoed* (ע' פסקי תשובות הע' 63 שכן ס"ל להגרמ"פ והגרישי"א ועי"ש מה שהקשה עליהם). Rav Chaim Kanievski (מובא דבריו בקובץ תשובות ח"א סי' נ"ז) maintains that there is no obligation to drink wine on *chol hamoed*. He references the Gemara Eiruvin (מ: וברש"י שם ד"ה מכל) which makes it clear that people only made sure to obtain wine for the first day of Yom Tov but not for *chol hamoed*. Rav Yosef Shalom Elyashiv (שם) dismissed this proof since the Gemara there refers to the time of the *bais hamikdash* where the primary fulfillment of joy was fulfilled with the meat of a Shelamim so they did not require wine as well. Nowadays that we do not satisfy our obligation of joy with Shelamim meat, the obligation is fulfilled with a cup of wine.

Overview

Siman 530 Seif 1:

Some *melachos* are prohibited on *chol hamoed* whereas others are permitted. This is based on the necessity as perceived by Chazal.

- There are five categories of permitted *melacha* on *chol hamoed*: 1) Something that will involve a loss; 2) *Moed* needs; 3) A worker who does not have food to eat; 4) Communal needs and 5) Work done in an unprofessional manner. Some maintain that the prohibition against work on *chol hamoed* is Rabbinic and it was prohibited so that it would not be treated like a regular weekday. Many authorities contend that the prohibition is Biblical but the Torah authorized Chazal to permit certain *melachos*. One must be very cautious with regards to the prohibition and not be more lenient than Chazal. One should honor *chol hamoed* with food, beverages and clean clothing. Maharil would wear his Shabbos coat. The *mitzvah* of ושמחת בחגך also applies to *chol hamoed*. Although there is no obligation to have a meal that includes bread, there is a *mitzvah* to do so at night and during the day. (M.B. 1)
- In a place where the people were lenient, even concerning matters that do not involve a capital loss and one *chacham* prohibits even circumstances that will involve a capital loss, another *chacham* may not be lenient. Based on a Yerushalmi, Sefer Kol Bo writes that frivolity is worse on *chol hamoed* than *melacha* since Hashem's intent for *chol hamoed* is to cleave to awe and love of Hashem and to study His Torah. (M.B. 2)