



Overview

Halacha Highlight

Siman 533 Seif 3:

Fruit that partially ripened and could be eaten with difficulty may be harvested in order to eat. If one harvested them to eat and has leftovers and is concerned that they will become wormy if he doesn't preserve them to remove their moisture, he may preserve them but it is prohibited to harvest them with the intent to preserve them. If the fruit will not be available after the *moed* it is permitted to purchase them and preserve them.

- ❖ Even though it will not be edible during the *moed*, it is permitted since it is a *davar ha'avud*. (M.B. 15)
- ❖ The same is true if it will be more expensive. (M.B. 16)
- ❖ Biur Halacha cites authorities who assert that not everyone subscribes to this *halacha*. (M.B. 17)

Siman 533 Seif 4:

A person may catch as many fish as he can and salt them during the *moed* since they will all be edible during the *moed* if he squeezes them by hand a few times until they soften. (It is permitted to catch them in public since it is evident to everyone that it is for the *moed*.)

- ❖ Even if it is evident that he is catching more than he will eat it is permitted since each fish tastes differently and maybe the next one will taste better than the ones he already has. (M.B. 18)
- ❖ Since it is possible to benefit from it during the *moed* it is not considered as though he is exerting himself for after the *moed*. (M.B. 19)
- ❖ The implication is that it is permitted even for a fisherman who earns money catching and selling fish, even when he does it in public. It is permitted to kill flies or mosquitoes that are bothering a person even if one can send them away since they will immediately return. (M.B. 20)

Siman 533 Seif 5:

Any *melacha* that is done for *moed* needs, when performed by a craftsman must be done in private. For example, a trapper (of undomesticated animals or birds), millers, grape harvesters who sell their products in the market must perform their *melacha* in private even though it is done for the *moed*. It is permitted to milk an animal, even if it will not be used during the *moed* since it is a *davar ha'avud*.

- ❖ Shulchan Aruch refers to *melachos* that are not obviously done for the *moed*. (M.B. 21)
- ❖ Individuals perform the *melacha* in small quantities so it is evident that it is done for the *moed*. (M.B. 22)
- ❖ There is a dispute whether a professional fisherman may catch large quantities of fish. If trappers were ac-

Fishing during *chol hamoed*

Shulchan Aruch Siman 533 Seif 4

צד אדם דגים כל מה שיכול לצוד

A person may catch as many fish as he can

Shulchan Aruch (סעי' ד') rules that it is permitted for a person to catch as many fish as he wishes on Yom Tov. Mishnah Berurah (סי"ק י"ח) notes that the wording implies that even if it is obvious that one is catching more than necessary for the *moed* it is permitted. This is in contrast with *seif* 1 where Shulchan Aruch ruled that one who has sufficient flour for the *moed* is not permitted to grind additional grain. The reason for the distinction is that once one has flour there is no substantive difference between the flour one has and the flour that one will manufacture. In contrast, each fish tastes different so that each time he catches another fish he could claim that the new one will taste better than the ones he already possesses.

Mishnah Berurah (סי"ק כ"ג) also explains that Rema does not mention fish as one of the creatures that professionals may not catch in public, thereby implying that even a professional fisherman may catch as many fish in public as he wants. The rationale he offers is that everyone knows that fish do not last very long and thus it is evident that he is catching fish to be used that day. *Poskim* note that this rationale is no longer applicable nowadays. Since we have refrigerators and freezers that allow long term storage of fresh fish, it is possible to catch fish with the intent to use it after the *moed*. Therefore, catching fish is in the same category as the other *melachos* mentioned in *seif* 5 that must be done in private rather than in public. Furthermore, the allowance to catch fish is limited to one who intends to use the fish during the *moed* but it is prohibited to catch fish with the intent to use it after the *moed*. Accordingly, it is prohibited to fish just for pleasure. Although it is possible to eat the fish, since it is evident that the intent is for the pleasure of fishing rather than to eat the fish, it is prohibited (פסקי תשובות אות ד').

customed to not work on *chol hamoed* they can change that practice. According to Magen Avrohom one who has a large pool may not dig a ditch on its side in order to catch the fish since it is evident that he is doing so for after the *moed* but it appears to me that one could be lenient and ask a gentile to do so if he intends to eat the fish during the *moed*. (M.B. 23)

- ❖ Even the selling must be done in private. Biur Halacha writes that a fisherman who sells fish publicly has authorities to rely upon and one need not protest his behavior. (M.B. 24)