The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקמ"ב סעיף ב'

Halacha Highlight

Someone who does not have food to eat

Shulchan Aruch Siman 542 Seif 2
פועל שאין לו מה יאכל
A worker who does not have food to eat

Shulchan Aruch rules that a worker who does not have food to eat is permitted to perform any *melacha* so that he should earn from it. Mishnah Berurah (סק"ח) explains that even if he has household utensils that he could sell for money to purchase food, we do not obligate him to do so and he is permitted to work to earn cash. However, if he has merchandise that he could sell, he must sell the merchandise to generate funds rather than perform *melachos*. Mishnah Berurah (סק"ז) presents a dispute concerning the definition of one who does not have food to eat. According to Magen Avrohom, one who has bread and water does not qualify for this leniency and may not work since he has food to eat and water to drink. Others disagree and contend that as long as he does not have all that he needs for Yom Tov he qualifies for this leniency and may seek employment to generate an income to cover his Yom Tov expenses. Included in the essential needs is bread, water, meat, wine and the like. Magen Avrohom also maintains that the work should be done is private since people will not realize that he does not have money for his Yom Tov needs but if the job is such that it cannot be done in private, it may be done in public as well.

Nowadays, although people receive unemployment and various other government programs to cover their expenses, counter balancing that is that people must pay their rent/ mortgage, utilities, taxes, etc. As such, if the money one receives merely covers these expenses and there is no money left over to cover Yom Tov expenses, he qualifies for this leniency and may seek employment during *chol hamoed* to generate additional funds. Furthermore, even if one could obtain a loan or purchase food on credit, if he is not accustomed to do so during the rest of the year, he is not obligated to do so in order to avoid working during *chol hamoed* (פסקי תשובות אות ד').

Overview

Siman 542 Seif 2:

Any *melacha* may be performed by a worker who does not have food so that he will be able to earn and profit from it.

- It is permitted even if the job is not needed for the *moed* and he need not employ a change as he works. (M.B. 6)
- There is a disagreement whether one who has bread and water qualifies for this leniency. The work must be done in private but when that is not possible, it may be done in public as well. (M.B. 7)
- One is not required to sell household objects to avoid working but if he has merchandise that could be sold, it is prohibited to perform *melacha*. One who does not have food may accept a job that will pay a large salary, even if it is more than he needs for food, however, once he has enough food, he may not accept another job. (M.B. 8)