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

Overview

Siman 544 Seif 1:

Communal needs may be done during *chol hamoed*, for example, fixing roads, removing obstacles, marking graves so that *kohanim* will be able to avoid them or to fix *mikvaos*. The leniency is limited to communal needs that involve personal needs but other communal needs such as building a *bais haknesses* may not be done during *chol hamoed*. The same is true concerning other *mitzvah* requirements and they may not be done if they require craftsman's work.

- Communal projects may be done on *chol hamoed* even if one planned to do the work during *chol hamoed*, it is done in public and involves great effort. For this reason if there is a leader who is responsible for such matters he may not plan to do the job during *chol hamoed*. If the job requires professional work, it is permitted only if it is needed for *chol hamoed* but if it is non-professional work, it may be done even if it is not needed until after the *moed*. (M.B. 1)
- The Gemara states that it is obligatory to remove them so that one should not be involved in the spilling of blood if a tragic accident were to occur. (M.B. 3)
- It is also permitted to construct a *mikvah* during *chol hamoed*, assuming it will usable for the *moed* and will satisfy a *moed* need. (M.B. 4)
- Even if the construction began before the *moed* and all that is necessary is to complete the project it is prohibited since it involves professional work. (M.B. 6)
- Sha'arei Teshuvah writes that the custom is to arrange communal projects during *chol hamoed* and to appoint people to oversee those projects. If writing is necessary it should not be done in Ashuris. (M.B. 7)

Siman 544 Seif 2:

Public water pits or wells into which dirt and stones fell and became ruined may be repaired, even if the community does not need them currently since the repair does not require professional work. Digging a new water pit that requires professional work is permitted if the community requires the pit now, even if they planned to do the work during *chol hamoed*, it is done in public and requires great exertion. If it is not needed now, it may not be made. Pits, excavations and caves that belong to individuals may not be dug from scratch even if they are needed now but if they were made already and became ruined, if they are needed they may be repaired but if they are not needed, it is prohibited to repair them. One may direct water into them even if the water is not needed at the moment.

- It is also permitted to do non-professional work to direct water from a river to the city so that there should be plenty to drink, even if the project will not be completed during the *moed* since it is a communal project. It is even permitted if they planned the project for *chol hamoed* and it will involve exertion and will be performed in public. (M.B. 9)
- It is not permitted even if they did not plan to do the work during *chol hamoed* and it will be performed in private. (M.B. 13)
- If one could obtain water, even if with great difficulty, it is prohibited. If one cannot obtain water at all, it is permitted to dig a new one during *chol hamoed*. (M.B. 14)
- Since the repair does not require professional work, it is permitted for an individual to do, if there is a *moed* need. (M.B. 15)

Halacha Highlight

Making repairs to a yeshiva during *chol hamoed*

Shulchan Aruch Siman 544 Seif 1
צרכי רבים מתר לעשותם בחל המועד
Public needs may be done during *chol hamoed*

Shulchan Aruch (סע' א') rules that work for public needs may be done on *chol hamoed*. This is true even though they planned to take care of the project during *chol hamoed*, it involves great exertion and will be done publicly. The reason is that public needs are addressed specifically when people do not go to work and if they are not done during *chol hamoed* the project will not be done (מ"ב סק"א). Rema adds a limitation to this allowance. Public needs that are needed for people physically may be done during *chol hamoed*, but public needs that are not necessary to serve a person's bodily requirements, such as the construction of a *bais haknesses,* may not be done during *chol hamoed*. Mishnah Berurah (סק"ו) explains that by choosing the example of building a *bais haknesses,* Rema is emphasizing that even though it is for a *mitzvah* purpose and even if they do not have an alternative location to meet for *davening*, it is prohibited since it is not necessary to a serve a person's bodily requirements.

Mishnah Berurah (שם) also emphasizes that even if the project was begun before the *moed* and all that remains is to finish the construction it is prohibited since it involves professional work. He then adds that in the opinion of many authorities constructing a *bais haknesses* is categorized as a *davar ha'avud* and may be done during *chol hamoed*. The reason is out of concern that if the project is delayed the idolaters may not permit them to complete the construction. Sefer Ma'amar Mordechai writes that each situation must be considered independently taking into account the relevant factors for that situation. Regarding repairs to a school that were begun before the *moed* but were not yet completed and delaying the repairs means that the children will not be able to go to school for a few days after the *moed*, Kaf HaChaim (אות י') in the name of Lev Chaim ruled that they may finish the repairs during *chol hamoed*. He considers it a circumstance of a *davar ha'avud* for the children who will not be able to attend school after the *moed*. When possible the work should be done by those who do not have food to eat.