The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Sun, Sept 29, 2024 ■ כ"ו אלול, תשפ"ד
סימן תקמ"ה סעיף ה'

Overview

Siman 545 Seif 5:

It is permitted to write a *kiddushin* contract, a *pesikta* contract, a *get*, a receipt, a death bed gift, a regular gift, a pruzbul, appraisals documents and support documents (*pesikta* is what a person commits to give to his son or daughter for their wedding; דיתיקי is a dying person's instructions for the distribution of his estate; *pruzbul* is an enactment for lenders so that they should not lose their money and for borrowers so that they should find willing lenders; אגרות שום are appraisal documents that indicate that *bais din* appraised a delinquent borrower's property and gave it to a lender; אגרות מזון are documents that indicate that *bais din* sold someone's property to generate funds for his wife and daughters or a document that records one's commitment to provide them with support), **documents of *chalitza*, *miun, birurin* and *bais din* decisions.** It is permitted to write a *kesubah* during *chol hamoed* but some authorities prohibit this. **It is also permitted to write letters of greeting that one sends to a friend, even if it relates to business matters that would not generate a loss** (Some authorities prohibit writing letters of greeting.) (The custom is to be stringent even when writing in our script which is called משיטי"א).

- This is permitted either because these needs arise regularly and thus are considered a communal need or a *moed* need since it must be addressed during the *moed*. Alternatively, it is a *davar ha'avud* since the witnesses, giver or *bais din* may die or travel overseas. (M.B. 20)
- If someone fled with other people's money they may write the necessary documents to retrieve their money but if it is certain that he will return, it is prohibited. (M.B. 25)
- They may come to dispute some of the agreed upon terms. Therefore, in places where the text is standard, it may not be written during *chol hamoed* but the amount the groom adds on his own may be recorded. Pri Megadim writes that one may be lenient if they use משיטי"א script. (M.B. 28)
- *Halacha* follows the first opinion. (M.B. 29)
- According to Shulchan Aruch one may be lenient without any change. However, one may not be lenient if he planned to write this during *chol hamoed*. (M.B. 31)
- One may certainly be lenient regarding business related matters. (M.B. 33)
- The change involves writing at an angle. Since technically writing such a letter is permitted, we are lenient to use such a minor change. (M.B. 34)
- Many authorities write that we are lenient concerning משיטי"א writing as well as our script that does not require professional skills. One who wishes to be stringent may do so for himself. The custom is to write the first line crooked. Business documents that would generate a loss may certainly be written even using a professional script and no change is required. (M.B. 35)

Halacha Highlight

Writing for *tzedaka* and to retrieve lost objects

Shulchan Aruch Siman 545 Seif 5
מתר לכתב שטר קדושין
It is permitted to write a *kiddushin* document

Shulchan Aruch presents a list of documents that one may write during *chol hamoed* despite the general prohibition against writing during *chol hamoed*. Mishnah Berurah (סק"כ) explains that the rationale for leniency in these circumstances is that since these documents are required regularly, even though they are used by individuals, it is collectively categorized as a communal need. It is also possible that they are considered a need of the *moed* since it is necessary to write them during *chol hamoed*. An alternative rationale is that it is considered a *davar ha'avud* due to the concern that the witnesses or other key parties to the transaction may die or travel overseas and there will be no proof to the transaction.

An example of this allowance is that those collecting *tzedaka* may write receipts to donors who would not give *tzedaka* if they cannot receive a receipt. This is categorized as a communal need and thus permitted. Similarly, it is permitted for a donor who does not have cash, or will be sending his donation by mail, to write a check. Furthermore, even if the donation will not be received until after the *moed* it is permitted since providing joy to a person in need as quickly as possible is a great *mitzvah* and thus one may do what is possible to be done in order to get the money there as soon as possible. *Poskim* also note that the allowance to write for a *davar ha'avud* isn't limited to writing to prevent a potential loss, it includes writing in order to reverse a loss. Thus one who has lost something may write and post signs in the area where he lost his object so that the finder will be able to contact him so that the object could be returned. There is no need to wait until after the *moed* since it is possible that the finder will only be around for the *moed* and will return home elsewhere upon the conclusion of the *moed* (פסקי תשובות אות ט').