

TIME 4 MISHNA



SUMMARIES

מועד קטן

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key terms

מועד קטן

Rules:

אין מערבין שמחה בשמחה - It's forbidden to mix one cause for joy with another

Concepts and terms:

- **דבר האבד** - Preventing a great loss
- **צרכי רבים** - Public needs
- **לצורך המועד** - For the sake of **יום טוב**

טירחא מרובה - A large amount of effort

- **מעשה הדיוט** - Unprofessional activity
- **מעשה אומן** - An activity which requires the skill of a professional

כלאים - Different species which are planted together illegally

מעקה - Fence/wall which must be set up around a roof or balcony to prevent people from falling off

פרוזבול - A document which prevents one's loans being cancelled by **שמיטה**

שטר חוב - A document recording a loan

שינוי - Doing something in a purposefully irregular way

- **שבעה** - First week after one's relative has died
- **שלשים** - First 30 days after one's relative has died

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- Which activities may be performed on חול המועד:

‘דבר האבד’ – preventing a great loss:

- One may make grooves in the ground to spread water in a field which requires watering other than rainwater, since this is a דבר האבד which doesn't involve 'טירחא' – a large amount of effort.

→ ר' אליעזר בן יעקב: One may make a groove from one tree to another even in a field which can survive just on rainwater, since minimal effort is required.

חכמים: He may do so for the entire field, since losing out on potential profit is also considered to be a דבר האבד.

→ One may even use the water of a spring which has recently begun to emit water, since we aren't concerned that the weak walls by the spring will collapse and he'll come to fix them on חול המועד.

→ One may not use water from a pond, since when the level of water goes down it needs to be drawn with a pale and this is considered a טירחא מרובה.

→ One may not dig ditches around a vine for water to be collected there, nor a canal for watering the field, since it's a טירחא מרובה.

- ר' אלעזר בן עזריה: This is forbidden during שמיטה too, since it is similar to softening the ground in preparation for planting.

חכמים: It is permitted during שמיטה.

→ ר' אליעזר בן יעקב: One may not water seeds which were neglected from being watered before יום טוב.

חכמים: This is permitted.

- תנא קמא: One may set up traps for moles and mice so that they don't destroy one's trees or crops.

חכמים: In a field of crops, it may only be done in an irregular way since the damage they can cause is limited.

→ One may do so in the regular way during שמיטה, even if it involves digging holes which might look like preparing the ground for planting.

- One may fill in a gap in a fence surrounding one's field in a temporary manner.

→ During שמיטה, it may be rebuilt permanently since we aren't concerned that people will think that he's preventing people from entering and taking produce.

- One may spread plaster or clay on one's roof to prevent rain from entering his house, but he may not use the regular rolling tool since this is not needed.

- One may fix any part of a door or lock to prevent thieves from entering.

- If one leaves work over to do on חול המועד with the knowledge that he will have more spare time then, it's forbidden for him to perform work even it's a דבר האבד.

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'צרכי רבים' – public needs:

- **צרכי רבים** may be tended to, since more people are available to help, as long it is a 'מעשה הדיוט' – unprofessional activity – or 'לצורך המועד' – for the sake of יום טוב.
 - It's permitted to fix **water pits**, repair **streets**, top up the water in **מקואות** and mark **graves** with limestone to signal the טומאה.
 - The **בית דין** may send messengers to check for 'כלאים' – different species which are planted together illegally – since the wages are cheaper on **חול המועד**.
 - **צרכי רבים** which involve **טירחא מרובה** are **forbidden**, e.g. digging graves in the walls of a cave or in the ground for future use.

The prohibitions of causing grief or alternative joy:

- **ר' מאיר**: A **כהן** may not pronounce somebody **טמא** as a result of **צרעת**, so that he is able to rejoice on the יום טוב.
 - חכמים**: One shouldn't go to a **כהן** to check his **צרעת** at all, since he is obligated to pronounce him **טמא** if it is **צרעת**.
- **ר' מאיר**: One may gather the bones of his dead relative from a temporary grave and rebury them permanently, since this is a cause of relief and happiness.
 - חכמים**: This is **forbidden** since it's also a cause of grief on **חול המועד**.
- **Eulogies** are **forbidden within 30 days** before יום טוב.
- **חכמים**: One may construct a **coffin for the sake of a particular dead person** in the body's presence, so that it's clear that he isn't just building for future use.
 - ר' יהודה**: It's **forbidden** if it involves **טירחא מרובה**.
- One may not get married except to a woman who he had previously divorced, because 'אין מערבין שמחה בשמחה' – it's forbidden to mix one cause for joy with another.

Unprofessional activities:

- One may dig a **pool of water to wash clothes** which may be washed **לצורך המועד**.
- **ר' יהודה**: Although a woman may do things for her beauty, she may not apply lime to her body for a few days to remove hair, since her joy is reduced as long as the lime is on her.
- A professional may only **sew jaggedly** so that it's not considered a 'מעשה אומן' – an activity which requires the skill of a professional.
- **חכמים**: One may set up the **ropes which support a bed**, since it's a **מעשה הדיוט**.
- **ר' יוסי**: One may only fasten ropes which have already been set up.
- One may set up an **oven, stove** or **millstone** even if it is a **מעשה אומן** which involves **טירחא מרובה**, since it's for the sake of food.
 - ר' יהודה**: It's **forbidden to make marks in the stones** used in the millstone, because of the skill and effort required.
- One must construct a temporary 'מעקה' – **fence/wall** which must be set up around a roof or balcony to prevent people from falling off – if there isn't one already.

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דבר האבד:

- **ר' יהודה**: If one **begins the process of producing oil or wine with enough time for it to be completed before יום טוב**, but is unable to complete it due to circumstances out of his control, he **may only do what is necessary** on **חול המועד** to prevent the olives which have already been softened or the wine which has been collected from being spoiled.
ר' יוסי: He **may complete the entire process**.
- One **may bring in** one's **produce from the field** to prevent it from being stolen.
- One **may remove flax from where it's being soaked**, so that it doesn't get ruined.
- It's **forbidden to buy and sell things** which aren't **לצורך המועד**.
→ If the **seller needs money for יום טוב**, the sale is considered to be **לצורך המועד**.
→ When selling, one should do so discretely.
- It's **forbidden to transport things** from one building to another; unless: it's **לצורך המועד**; he's **concerned that it will be stolen** or damaged in its current location; he's moving it to another house **in the same courtyard**.
- **חכמים**: One **may cover figs** which have been left out to dry with straw, despite the large amount of effort required, to prevent them from being ruined by the rain.
ר' יהודה: One **may even pile them up**, which requires more effort.
- Those whose **occupation is with food** **may work on חול המועד** if it's **לצורך המועד**, as long as they do so discretely.
→ **ר' יוסי**: They accepted upon themselves not to work at all.

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Prohibitions of חול המועד with exceptions:

- It is **forbidden** **מדרבנן** for one to have a **haircut** or **wash his clothes** on חול המועד, so that one does so before **יום טוב** begins.
 - If he was **unable to do so before יום טוב**, then it's **permitted**, e.g. he was abroad, in captivity or prison.
 - One **may wash** things which **require regular washing**, e.g. towels.
- One may not write a document since it's a **מעשה אומן**, unless it's a **דבר האבד** such as: marrying a woman; divorcing one's wife before setting out on a dangerous journey; recording that which somebody accepted upon themselves or performed; **'פרוזבול'** – a document which prevents one's loans being cancelled by **שמיטה**; decrees made by **בית דין** or the government.
 - One may only write a **'שטר חוב'** – **document recording a loan** – if he's concerned that otherwise he won't be able to obtain the money or if the scribe is in need for money for food on **יום טוב**.
- **חכמים**: One **may not write or correct** a **ספר תורה**, **תפילין** or a **מוזזה** since it's a **מעשה אומן**, unless no other **ספר תורה** is available for **יום טוב** so it's **לצורך המועד**.
 - ר' יהודה**: One **may write תפילין or a מוזזה for himself**, since it's a smaller job than writing a **ספר תורה**.
 - It's **forbidden to correct** the **ספר תורה used in the המקדש** on **כיפור** even though it's **צרכי הרבים**, since it isn't **לצורך המועד**.
- **ר' יהודה**: One **may spin wool by hand for the sake of ציצית** since one may perform work with a **'שינוי'** – doing something in a purposefully irregular way – for the sake of a **מצוה**.
 - חכמים**: This is **forbidden**.
- **Mourning over a relative who died:**
 - If one's relative is buried at least **3 days** before **יום טוב** begins, he **must halt observing the laws of the 'שבעה'** – first week after one's relative has died.
 - If one's relative is buried at least **8 days** before **יום טוב** begins, he is **exempt from completing the rest of the 'שלשים'** – first **30 days** after one's relative has died.
 - If they were **buried closer to יום טוב**, he **must complete the שבעה or שלשים after יום טוב ends**.
 - **שבת** is **counted as part of the שבעה and שלשים**, so certain mourning laws apply even on **שבת** such as not having marital relations.

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→ **ר' אליעזר**: **יום טוב** isn't counted, because **פסח** and **סוכות** are at least a week old so is one's relative were to die shortly before **יום טוב** then the entire **שבעה** wouldn't be observed to its full degree. Therefore, whilst the **בית המקדש** stood **שבועות** had the same status since an entire week beginning from **שבועות** was joyous due to the **קרוב** which everyone had to offer upon coming to the **בית המקדש** for the **שלש רגלים**. Once the **בית המקדש** was destroyed, its status reverted to that of **שבת**.

חכמים: **שבועות** remains like **פסח** and **סוכות**, so **isn't counted**.

רבן גמליאל: Every **יום טוב** isn't counted, even **ראש השנה** and **כיפור**.

- Only the 7 closest relatives of the dead person (**father, mother, son, daughter, brother, sister** and **husband/wife**) may **tear their clothes** and **partake in the first meal** of a mourner which is customarily prepared for them by others.
 - The first meal is **eaten on an upright couch**, because of the joyous nature of **חול המועד**.
 - The meal **may not be brought to the mourners on an exquisite tray or basket**, even on **חול המועד**.
- The **ברכה** which is said to mourners after the burial when people comfort them in rows **may not be recited** on **חול המועד**.
- If a burial takes place on **חול המועד**, **eulogies may not be delivered**.
 - The **custom of placing down the coffin 7 times** on the way to the grave and eulogising the dead person **isn't done when a woman dies**, in order to preserve her dignity and modesty.
- **חכמים**: Women **may wail** in order to arouse people's emotions, but one woman **may not lead others in wailing**, and they **may not clap their hands** to express their grief.

ר' ישמעאל: Those who are right next to the coffin during the burial **may clap**.

 - They **may clap their hands** to express grief on **ראש חודש** and **פורים**.
 - **Once the burial has taken place**, all **wailing and clapping is forbidden**.