

OU Parsha Shiur 2022-2023  
 Shiur 18 Parshat Emor  
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## Between Shabbat and Yom Tov

### I. Synonymous or Not?

ויקרא כג:א-ה

וידבר יקוק אל־משה לאמר

דבר אל־בני ישראל ואמרת אליהם מועדי יקוק אשר־תקראו אתם מקראי קדש אלה הם מועדי ששת ימים תעשה מלאכה וביום השביעי שבת שבתון מקרא־קדש כל־מלאכה לא תעשו שבת הוא ליקוק בכל מושבתים {פ}

אלה מועדי יקוק מקראי קדש אשר־תקראו אתם במועדם  
 בחדש הראשון בארבעה עשר לחדש בין הערבים פסח ליקוק

יקוק spoke to Moses, saying:

Speak to the Israelite people and say to them: These are My fixed times, the fixed times of יקוק, which you shall proclaim as sacred occasions.

On six days work may be done, but on the seventh day there shall be a sabbath of complete rest, a sacred occasion. You shall do no work; it shall be a sabbath of יקוק throughout your settlements.

These are the set times of יקוק, the sacred occasions, which you shall celebrate each at its appointed time:

In the first month, on the fourteenth day of the month, at twilight, there shall be a passover offering to יקוק

- The flow of the text is strange...
- Shabbat is first included in the list of Moadim
- The text, however, then seems to separate the two
- Are Shabbat and Yom Tov synonymous, or not?

### II. An Initial Critical Distinction

#### A. The Directive

שמות יב:טז

וביום הראשון מקרא־קדש וביום השביעי מקרא־קדש יהיה לכם כל־מלאכה לא־יעשה בהם אך אשר יאכל לכל־נפש הוא לבדו יעשה לכם

You shall celebrate a sacred occasion on the first day, and a sacred occasion on the seventh day; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you.

ויקרא כב:ז

וביום הראשון מקרא־קדש יהיה לכם כל־מלאכת עבדה לא תעשו

The first day shall be a sacred occasion: you shall not do any laborious work.

### במדבר כח:יח

ביום הראשון מקרא-קדש כל-מלאכת עבודה לא תעשו

The first day shall be a sacred occasion: you shall not do any laborious work.

- What is melacha?
- From where is its definition derived?
- What distinction is made between Shabbat and Yom Tov in the realm of melacha?

## B. The Halachic Interpretation

### משנה ביצה ה:ב, מגילה א:ה

אין בין יום טוב לשבת אלא אכל נפש בלבד:

### ערוך השלחן תצה:ב

ימים אלו אסרן התורה ממלאכה, לבד מלאכת אוכל נפש, כדכתיב בפרשה "בא" (שמות יב טז): "כל מלאכה לא יעשה בהם, אך אשר יאכל לכל נפש הוא לבדו יעשה לכם." ולכן ב"אמור" (ויקרא כג ז) וב"פינחס" (במדבר כח יח) כתיב: "כל מלאכת עבודה לא תעשו", כלומר: דמלאכת אוכל נפש אינה מלאכת עבודה, אלא מלאכה של תענוג לענג הגוף.

## III. How Far Do We Carry This Distinction?

### משנה ביצה א:ה

בית שמאי אומרים, אין מוציאין לא את הקטן ולא את הלולב ולא את ספר תורה לרשות הרבים. ובית הלל מתירין:

Beit Shammai say: One may carry out on a Festival neither a minor child, nor a *lulav*, nor a Torah Scroll into the public domain, as none of these are required for the preparation of food; and Beit Hillel permit it.

- The Talmud explains that the dispute between Beit Shamai and Beit Hillel surrounds the potential application of the principle of לצורך הותרה נמי שלא לצורך -once an act becomes permitted for the purpose [of food preparation], the act also becomes permitted for purposes other than [food preparation].
- Some scholars, digging deeper, view this dispute as being based on an even more foundational issue. Is the Torah's ruling on melechet ochel nefesh on Yom Tov a *dichui* (a suspension) or a *matir* (full allowance)? Discuss these concepts...

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#### IV. On a Practical Level

As is almost always the case in disputes between *Beit Hillel* and *Beit Shamai*, the halacha follows the lenient position of Beit Hillel. The principle of *mitoch*, expanding the allowance of *Melechet Ochel Nefesh* to activities beyond food preparation is thus adopted.

On a practical level, however, the extent of Beit Hillel's allowance is roundly debated and, in many cases, curtailed.

Some authorities, including the Rambam, limit the application of *mitoch* solely to the two activities clearly mentioned in the Talmudic discussion on the topic: the carrying from one halachic domain to another and the use of flame. Only these *melachot*, they argue, may be performed on Yom Tov for needs other than actual food preparation.

Most authorities, however, broaden the application of *mitoch* further. They maintain that *melachot* most basic to the preparation of food, such as cooking and baking, may be performed for other needs, as well. Since these activities are primarily defined by their relationship to food, they qualify for the broadening offered by the principle of *mitoch*. Activities more ancillary to food preparation, however, may only be performed in the course of such preparation. They are otherwise prohibited.

The practical rules that follow reflect the majority halachic position on these and other matters.

- All *melachot* forbidden on Shabbat are forbidden on Yom Tov, with the exception of those activities permitted under the rubric of *Melechet Ochel Nefesh*.
- *Melachot* which are best done on the day of a food's consumption, such as cooking and baking, may be performed on Yom Tov.
- According to rabbinic mandate, food-related activities that can be performed earlier without detracting from the quality of the food involved must be completed before Yom Tov.
- Although the use of fire is permitted on Yom Tov for activities such as cooking and baking, the kindling of a "new flame" is prohibited. A pre-existing flame or a flame kindled from a pre-existing flame must be used. Most authorities view the prohibition of kindling a "new flame" to be of rabbinic origin,
- Flames on gas burners and the like may be adjusted higher or lower during the cooking process. The permissibility of similar adjustments on electric stovetops and ovens, however, depends on the appliances involved.

On some electrical cooking appliances, temperature adjustment results in the raising or lowering of the electric current in a continual fashion. Adjustment of the cooking temperature on these appliances is permitted in the course of cooking/baking. On other appliances, however, the temperature adjustment results in the closing of one circuit and the opening of another. Temperature adjustment on such appliances is prohibited on Yom Tov, even in the course of cooking/baking.

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- If adjustment of the temperature results in the changing of an electrical display on any appliance, such adjustment is prohibited. Many modern appliances possess a Shabbat/ Yom Tov mode. Such modes differ from one company to the next and should be fully researched and understood before using.
- In keeping with Beit Hillel's allowance of mitoch, specific melachot permitted for food preparation may also be performed for other Yom Tov needs.  
 For example: Water may be heated on Yom Tov for purposes such as: washing one's hands and face, washing dishes, etc.; Needed items may be carried from a private to a public domain; a candle may be kindled from a pre-existing flame for the purpose of using its light.
- Melachot such as: selecting, reaping, grinding, sowing, threshing, winnowing, trapping and sifting, are prohibited on Yom Tov, even though they are associated with food preparation.  
 Most authorities view these activities as rabbinically proscribed, in order to preserve and protect the sanctified character of the festival days. Other scholars maintain that these activities are prohibited by Torah law; arguing that only specific melachot are permitted under the rubric of Melechet Ochel Nefesh.
- Rabbinic proscriptions designed to preserve and protect the sanctity of Shabbat generally apply to Yom Tov, as well.

#### IV. A Potential Philosophical Basis for the Halachic Distinction

- Shabbat is מקודש ועומד - the only day sanctified by Hashem alone.  
 Shabbat is thus God's Day, on which man's technologically created activity must be totally circumscribed.
- Yamim Tovim are days of Partnership between man and Hashem (as can be seen from the man's participation in the fixing of the calendar).  
 Specific allowances must therefore be made to enable man to perform those activities essential to his enjoyment of these days.
- The philosophical distinction between Shabbat and Yom Tov concerning melacha is reflected in a Bracha central to these days:  
 On Shabbat we say: ברוך אתה יקוק מקדש השבת  
 On Yom Tov we say: ברוך אתה יקוק מקדש ישראל והזמנים  
 When Yom Tov and Shabbat coincide, we say: ברוך אתה יקוק מקדש השבת וישראל והזמנים

#### IV. Additional Reflections of Yom Tov's Unique Character

- To Whom Does the Day Belong?

##### תלמוד בבלי ביצה טז

רבי אליעזר אומר: אין לו לאדם ביום טוב, אלא או אוכל ושותה, או יושב ושונה. רבי יהושע אומר, חלקהו: חציו לה', וחציו לכם. אמר רבי יוחנן: ושניהם מקרא אחד דרשו. כתוב אחד אומר: "עצרת לה' אלקיך", וכתוב אחד אומר: "עצרת תהיה לכם". הא כיצד? רבי אליעזר סבר: או כולו לה', או כולו לכם. ורבי יהושע סבר: חלקהו, חציו לה' וחציו לכם.

As it is taught in a *baraita* that Rabbi Eliezer says: A person has no way of fulfilling the mitzva of a Festival correctly apart from either eating and drinking, thereby fulfilling the mitzva of joy in a completely physical manner, or sitting and studying Torah, thereby emphasizing only the spiritual; and those who did not engage in Torah study to the fullest extent acted inappropriately.

Rabbi Yehoshua says: There is no need for such a dichotomy; rather, simply divide it: Half to God, Torah study, and half to yourselves, engaging in eating, drinking, and other pleasurable activities. Rabbi Yoḥanan said:

And both of them derived their opinions from one verse, i.e., the two of them addressed the same apparent contradiction between two verses, resolving it in different ways. One verse states: "It shall be a solemn assembly for the Lord, your God" (Deuteronomy 16:8), indicating a Festival dedicated to the service of God, and one verse states: "It shall be a solemn assembly for you" (Numbers 29:35), indicating a celebratory assembly for the Jewish people.

How is this to be reconciled? Rabbi Eliezer holds that the two verses should be understood as offering a choice: The day is to be either entirely for God, in accordance with the one verse, or entirely for you, as per the other verse; and Rabbi Yehoshua holds that it is possible to fulfill both verses: Split the day into two, half of it for God and half of it for you.

- Practical Implications

##### משנה ברורה תקכט:א

וע"כ אחז"ל דצריך לחלקו חציו לה' דהיינו לתורה ותפלה וחציו לכם דהיינו לאכילה ושתיה בשביל עונג יו"ט וע"כ יש לגעור בחזנים המאריכים יותר מחציו של יום

- ענג שבת vs שמחת יום טוב
- [נוסח אשכנז-נוסח ספרד]...[Yes, but not primary thrust...-שמחת שבת?]

#### V. Return to Opening Passage

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