

TALMUDIC METHODOLOGY
By: Rav Moshe Taragin

www.vbm-torah.org/archive/metho69/01metho.htm

Shiur #01: Understanding *Okhel Nefesh*

Although the prohibitions against *melakha* on Yom Tov are similar to those of Shabbat, there is one significant difference. Preparation of *okhel nefesh*, acts performed to facilitate food preparation and enjoyment, are permitted. This allowance is articulated in a *pasuk* in *Parashat Bo*, which states "*akh asher yei'achel le-khol nefesh hu livado yei'aseh lakhem*" – "Only that which will be eaten by any soul – that alone may be made for you." This leniency is understandable given the importance of *simchat Yom Tov*, which is realized in part through food and festive meals. If *chagim* were subject to the same comprehensive list of forbidden *melakhot* of Shabbat, the overall pleasure that is expected from *Yom Tov* would be greatly compromised.

Although the MOTIVE for the *okhel nefesh* allowance is clearly the concern of *simchat Yom Tov*, the actual allowance can be distilled in two very different manners.

From one perspective, the permissibility of *okhel nefesh* is the result of the reconciliation and prioritization of two conflicting interests. Halakha often addresses conflicts of halakhic interests and directs our procedural response. For example, a positive commandment will override a prohibition if the *mitzva* can only be executed by violating the *aveira*; this principle of *asei docheh lo ta'aseh* is the most familiar instance of halakhic reconciliation between conflicting interests.

Okhel nefesh may be the product of such a resolution. The value of *simchat Yom Tov* was prioritized over that of complete observance of the 39 *melakhot*, yielding a list of "sanctioned" activities; in THEORY, these activities should not be allowed, but they are acceptable because they serve a higher purpose. Ultimately, then, *chag* is quite similar to *Shabbat* in demanding strict

avoidance of all forms of *melakha*. Practically, the Torah allows food-based activities in order to preserve the quality of *simchat Yom Tov*.

The Ramban, in his comments to *Parashat Emor*, suggests a very different model. Noting the frequency of the term "*melekhet avoda*" (harsh work) in the description in *Parashat Bo* of the prohibition of work on *Yom Tov*, the Ramban claims that *Shabbat* and *Chag* are FUNDAMENTALLY different. On *Shabbat*, ALL work is forbidden, whereas on *chag* only *melekhet avoda* is proscribed. *Melekhet avoda* refers to work that does not yield benefit, whereas the complementary term (alluded to but not articulated by the Torah), "*melekhet hana'ah*," would refer to work which does indeed produce benefit. By stipulating a prohibition of *melekhet avoda* on *Yom Tov*, the Torah implies that *melekhet hana'ah* was never proscribed. The permission to perform activities for *okhel nefesh* is not a product of "conflict resolution;" these forms of work were never forbidden on *Yom Tov* to begin with.

Although this question may appear to be one of syntax, the different understandings may lead to several interesting consequences. Most notable is the disagreement between Beit Shammai and Beit Hillel regarding the extension of "*okhel nefesh*" to non-food based needs of *chag* which evolve from the same basic act. One is permitted to carry on *Yom Tov* for the purpose of *okhel nefesh*; may one carry a child on *chag*? A fire may be lit (from an existing flame) on *Yom Tov* in order to cook food; may fire be kindled to heat water for bathing? Beit Hillel extended the *okhel nefesh* permission to any *Yom Tov* need; this is referred to as the principle of "*mitokh*" (literally, just as food permits work, general needs do as well). Beit Shammai did not endorse this principle and do not extend the permissibility to activities unrelated to food production.

Perhaps Beit Shammai and Beit Hillel addressed the essential nature of the *okhel nefesh* permit. If, as the Ramban suggested, the activities of *okhel nefesh* are forms of work which were never forbidden to begin with, we would certainly concur with Beit Hillel. Since these actions, which generally yield *okhel nefesh*, were never forbidden, we cannot suddenly prohibit them in instances when they service non-food related *Yom Tov* needs. If carrying was never forbidden on *Yom Tov* because it aids in the production of food, it can not be prohibited when serving other *Yom Tov* needs. Beit Shammai, on the other hand, may have assumed that *okhel nefesh* is a dispensation, allowing *melakha* to be desecrated in order to achieve *simchat Yom Tov*.

Since the Torah only outlined food benefit as sufficient to suspend the *issur melakha*, we are not able to extend this allowance to non-food oriented benefit.

A second major debate between the *Tannaim* revolves around the question of which type of activities may be performed. If an act is geared toward food benefit (in which case even Bet Shammai would permit it), may "secondary" actions – performed not upon the food but upon related objects – be allowed? The debate surrounding the status of *makhshirin*, ancillary but meal-related objects, is detected in a *machloket* between Rabbi Yehuda and the Rabanan (see, for example, *Beitza* 28b). Rabbi Yehuda permits *melakhot* related to *makhshirin* to be performed on *chag* (for example, sharpening a knife), whereas the Rabanan disallow it.

Once again, we may sense the larger structural issue underlying this *machloket*. If the *melakha* exception simply OVERRIDES an *issur* to assist in the achievement of *simchat chag*, it would be difficult to distinguish between categories of *melakhot* performed upon food and *melakhot* performed upon secondary items. We would more likely agree with Rabbi Yehuda that ALL activities relating to food are permissible, regardless of the object of the *melakha*. The Rabanan, on the other hand, may have viewed the *okhel nefesh* exception as categorical - certain types of activities that are generally performed in the course of food preparation were never forbidden on *Yom Tov*. Actions directed at secondary but food related objects were included in the original prohibition against *melakha* on *Yom Tov*.

It should be noted that the identical logic cannot necessarily be employed to explain BOTH the *machloket* between Beit Shammai and Beit Hillel and the disagreement between Rabbi Yehuda and the Rabanan. Presumably, even if we agree with Beit Hillel that even non-food related needs of *Yom Tov* warrant *melakha* performance, we could still debate the question of *makhshirin* and whether activities may be performed upon secondary items. Even if we posit that Beit Hillel assumed that the *melakhot* of *okhel nefesh* were never forbidden on *Yom Tov*, that does not necessitate that they adopt the position of the Rabanan forbidding *melakha* for *makhshirin*. Offering the aforementioned logic to explain one *machloket* may demand supplying a very different logic to explain the other.

An interesting question arises from the first *mishna* in the third *perek* of *Beitza*, which prohibits fishing on *chag*, even if the fish will be eaten on *chag*. Why doesn't the *okhel nefesh* permission allow this activity? Although the *Rishonim* offer different responses, both Rashi and the Rambam claim that any *melakha* which could have been performed BEFORE *chag* may not be performed during *chag* - even if the *melakha* would serve *okhel nefesh* interests. The Rambam presents this limitation as Rabbinic, whereas Rashi implies that such activities are forbidden even on a Biblical level.

If we believe that *okhel nefesh* related activities were never proscribed, it would be counterintuitive to adopt this limitation of the Rambam and Rashi. Cooking was never outlawed on *Yom Tov* and should be allowed independent of whether it could have been performed before *Yom Tov*. Presumably, Rashi believed that *okhel nefesh* WAS theoretically forbidden on *Yom Tov*, just like Shabbat, but was overridden to achieve *Simchat Yom Tov*. This leniency was only applied to activities which absolutely must be performed on *chag*. Work which could have been performed earlier was never allowed.