VIRTUAL HALACHA PROGRAM

Yom Tov

יום טוב

סימן תצה:א-ב

1. 495:1 Heter Ochel Nofesh

Shemot 12:16 And on the first day there shall be a holy convocation, and on the seventh day you shall have a holy convocation; no work may be performed on them, but what is eaten by any soul that alone may be performed for you. **Vayikra** 23:7 On the first day, there shall be a holy occasion for you; you shall not perform any work of labor.

Megillah 7b the **difference** between Festivals and Shabbat with regard to the labor prohibited on those days is **only in preparing food alone**.

Ramban Vayikra 23:7 Rather, the meaning of ***m'lecheth avodah*** (servile work) is **all work that is not necessary in the preparation of food**, similar to that which it is said, *Six days 'ta'avod* (*shalt thou labor*)*, and do all thy work; and in all 'avodah'* (*manner of work*) *in the field; 'v'ne'evadtem'* (*and ye shall be tilled*) *and sown; but Cain was an 'oved'* (*tiller*) *of the ground*. But **work which is done in preparation of food is work of direct benefit, and is not [called] *m'lecheth avodah*** (servile work). This [distinction] is clearly explained in the Torah. For with reference to the Festival of Unleavened Bread where He said at first, *no manner of work shall be done in them*, it was necessary to explain [in the same verse], *Save that which every man must eat, that only may be done by you;* therefore with respect to the other festivals He shortened [the command] and said [as in the verse before us], *ye shall do no manner of servile work*, thus prohibiting all work which is not done in preparation of food, and informing us that the preparation of food is permissible on the festival days. And in no place does Scripture say concerning any of the festival days, that "no manner of work" [shall be done on it] without explaining [immediately] that the preparation of food is permissible on it, because the form *m'lecheth avodah* (servile work) establishes that principle. However, in the section of *All the firstling males* [where all the festivals are mentioned], He states with reference to the Festival of Unleavened Bread, *and on the seventh day shall be a solemn assembly to the Eternal thy G-d; thou shalt do no work therein* [and yet Scripture does *not* follow it up with a permission for preparing food]! The reason for this is that He had already clearly permitted the preparation of food on it [Passover], and it was therefore no longer necessary [there in the section of *All the firstling males*] to say in connection with it: "all manner of servile work." He mentioned there merely "work" (*thou shalt do no 'work' therein*), and did not say *kol m'lachah* ("all work" or "any manner of work") as He said with reference

to the Sabbath and the Day of Atonement, because the intention is, “Do not do that work about which I have admonished you [elsewhere, i.e., ‘servile work’].”

Rambam Yom Tov 1:1-2 The six days on which the Torah forbade work are the first and seventh days of Pesach, the first and eighth days of the festival of Sukkot, the festival of Shavuot, and the first day of the seventh month. They are referred to as holidays. The [obligation to] rest is the same on all these days; it is forbidden to perform all types of servile labor, with the exception of those labors necessary for [the preparation of] food, as [implied by Exodus 12:16]: "Only that [labor] from which all souls will eat [may you perform]." Anyone who rests from "servile labor" on one of these days fulfills a positive commandment, for [the Torah] describes them as Sabbaths - i.e., days of rest. Whoever performs a **labor that is not for the sake of [the preparation of] food on one of these days** - e.g., he builds, destroys, weaves, or the like - **negates** [the performance of] a **positive commandment and violates a negative commandment**, as [Leviticus 23:7] states: "You shall not perform any servile labor," and [Exodus 12:6] states: "You shall not perform any work on them." If a person performs [a forbidden labor when observed] by witnesses and [after] receiving a warning, the Torah prescribes that he receive lashes [as punishment].

Shulchan Aruch OH 495:1 All work that is forbidden on Shabbos is forbidden on Yom Tov, except for work of preparing food. **Mishna Berura** 495:1 this applies to both Torah level and Rabbinic prohibitions. **Rav Nebenzahl** 695:1 “shelo” the concept of maaseh Shabbat applies to Yom Tov as well, that one cannot get benefit from a melacha that was done in a forbidden fashion.

2. 495:2 Which Melachot are Permitted Ltzorech Ochel Nefesh

Beitzah 23b One **may not trap fish** from their ponds on a Festival. **Beitzah** 2b Abaye said to Rav Yosef: With regard to fruits that fall, what in fact is the reason that the Sages prohibited them? It is a **decree lest one climb the tree and pick the fruit**, as this would constitute the prohibited labor of harvesting.

Yerushalmi Beitzah 1:10 and from where that one may neither select, nor grind, nor sift? Rebbi Aḥa in the name of Rebbi Simeon ben Laqish: **No work shall be done on them up to and you shall guard the unleavened bread**. Only melachot in the process of bread that are after the process of lisha are permitted.

Ramban Milchamot HaShem Beitzah 13b only **melachot that are necessary to be done on the day** of Yom Tov by a person himself are **permitted** but melachot like trapping or taking fruits off their tree are **forbidden** which are not fully in one’s control and one normally does it in **bulk** for many days. This distinction is a **Torah** level distinction. **Ran** Beitzah 12b (dapei harif) has the same reasoning that melachot that are generally done in **bulk** but believes it is

only a **Rabbinic** prohibition and the Yerushalmi which says it is a Torah level prohibition argues with the Bavli. **Rosh** Beitzah 3:1 believes the difference between the melachot is because of **uvdin dechol** and the Yerushalmi is only an asmachta.

Shulchan Aruch OH 495:2 Harvesting produce, grinding, picking grapes, squeezing and trapping; even though they are melachos involved in preparing food, were **forbidden** to be performed by the **Sages**. The Shulchan Aruch rules like the Ran/Rosh. **Mishna Berura** 495:13 says there are many poskim who disagree with the Shulchan Aruch and believe these melachot are forbidden on a **Torah level**. **Hilchot Chag B'Chag** 2:3 a nafka minah would be whether one can ask a non-Jew to perform a melacha on Yom Tov in a situation of a mitzvah or where there is a need because it would be a shevut d'shevut if the prohibition was derabanan.

Rashi Beitzah 23b "ain" everything you **can do before Yom** Tov started is **assur** to do on Yom Tov if you could have done it beforehand and it wouldn't have gotten ruined. Trapping is possible to do prior to Yom Tov and to leave the fish in the trap until Yom Tov. Most understand that according to Rashi, the prohibition is a Torah level one. **Rambam** Yom Tov 1:5 **Whenever it is possible to perform a labor on the day prior to the holiday** without causing any loss or inadequacy, **our Sages forbade** performing such a labor on the holiday itself, even if it is performed for the sake of [the preparation of] food. Why was this forbidden? This was a decree [instituted], lest a person leave for the holiday all the labors that he could have performed before the holiday, and thus spend the entire holiday performing those labors. Thus, he will be prevented from rejoicing on the holidays and will not have the opportunity to [take pleasure in] eating and drinking. **Rambam** Yom Tov 1:8 We **may**, however, knead, bake, slaughter, and cook on a holiday, since if these activities had been performed on the previous day, the **taste would be adversely affected**. For warm bread or food that is cooked today does not [taste] the same as bread or food that was cooked the day before. Similarly, meat that is slaughtered today does not [taste] the same as meat slaughtered on the previous day. The same rules apply in all analogous situations. Similarly, when it would be detrimental for subsidiary activities [involved in the preparation] of food to be performed on the day [before the holiday] - e.g., grinding spices and the like - they may be performed on the holiday. **Darchei Moshe** OH 495:2 quotes the Maharil who says it is forbidden to make almond milk on Yom Tov because even melachot that are permitted for ochel nefesh are only permitted when they couldn't be done on Yom Tov.

Chazon Ovadia Yom Tov pg13 says the nekudat machloket between Ran and Rashi is whether melacha on Yom Tov is **hutrah or dechuya**. According to the Ran, it is hutra, so any melachot in the permitted camp are permitted to do on Yom Tov even if one could've done them on Yov Tom. According to Rashi it is dechuya so if one could've done it prior to Yom Tov, it is forbidden to do so on Yom Tov.

Biur Halacha 495:2 "mihu" the Shulchan Aruch does not subscribe to this view and believes that melachot which are permitted for **ochel nefesh are permitted in all circumst**ances.

Rama OH 495:1 there are those who are stringent on melachot of ochel nefesh itself if a food would taste just as good if it was cooked before Yom Tov then one shouldn't cook it on Yom Tov itself. **Mishna Berura** 495:9 if the **taste doesn't change at all**, then one should be **stringent** whereas if the taste changes a little bit then it is permitted. **SSK** Intro Hilchot Shabbat 3:12 & ft 26 even though nowadays we have refrigeration that can preserve taste, we **follow the standards of the times of Chazal**, and if the taste would've been worse then it would be permitted to do so on Yom Tov. Rav Nebenzahl says having room in one's fridge is a permissible reason to not prepare food prior to Yom Tov. **SSK** Intro Hilchot Shabbat 3:27 one can put up hot water on Yom Tov and doesn't have to have hot water set up before Shabbat because there is a financial loss when the electricity/gas is on all of Yom Tov.

Smag Lo Taaseh 75 after the fact if one didn't cook it before Yom Tov one may do so with a **shinui**. **Rama** OH 495:1 quotes this. **Mishna Berura** 495:10 quotes the Magen Avraham who says that one rely on this lechatchila but the Bigdei Yesha disagrees. If one ran of time prior to Yom Tov, one can rely on this. If one didn't do it due to an ones, then it is permitted to do it on Yom Tov even without a shinui. This is the ruling of **SSK** intro to Hilchot Shababt 3:12.

Tosfot Beitzah 23b "ain" the reason that it is assur to catch fish on Yom Tov is because we are worried that you **may catch a tammai fish**, and there is no heter to catch tammai fish on Yom Tov. However, this answer only answers why it is assur to trap fish on Yom Tov. What about squeezing and plucking fruits? Therefore, Tosfos bring from the **Yerushalmi that there is a hekesh**. Hekesh is when there are two things in one pasuk, and smuchim is when there are two pasukim that are right next to each other. The Gemara in Yevamos says that we only learn smuchim in sefer Devarim. Here, the Yerushalmi is learning smuchim in parshas Bo. By matza we say that we only require shmira from the kneading of the matza and on. Right after that pasuk it says that it is mutar to cook on Yom Tov. We say based on this smuchim that when it comes to cooking on Yom Tov it is **only mutar to do the malachos that are from kneading and onward**.

Maggid Mishna Yom Tov 1:4 other melachot such as writing or building that were done for food preparation purposes are still forbidden to do on Yom Tov. **Mordechai** Shabbat Siman 369 Letters and words are written on children's cakes. May one eat them on Yom Tov? Maharam answered that the Torah forbids erasing only in order to write. However, there is an issur derabanan. If a minor does an issur by himself, Beis Din need not stop him, if people did not overtly give the Isur to him. **Chayei Adam** 32:3 one can't make images / writings on food on Yom Tov. **Shaar HaTziyun** 500:20 rules like this.