

THE DALED AMOT OF HALAKHAH

Inviting a Gentile for Yom Tov

Yaakov Love

Abstract: The question of whether it is permissible to invite a gentile to a *Yom Tov* meal is frequently asked. Though the *gemara* seems to forbid the practice, the author suggests a solution to the dilemma after analyzing the *gemara* and writings of subsequent rabbinic authorities.

Biography: Rabbi Yaakov Love studied with Rav Yisrael Gustman. He has taught Judaic subjects in Israel and America on all levels, and is presently chairman of the Halakhah Department of Yeshivat Chovevei Torah.



Meorot 7:2
Tishrei 5769
© 2008

A Publication of
Yeshivat Chovevei Torah
Rabbinical School

THE DALED AMOT OF HALAKHAH

Inviting a Gentile for Yom Tov

Yaakov Love

The *gemara* (*Beitsab* 21b) teaches that the verse “Only that which everyone eats may be made for you” (Ex. 12:16) permits work on festivals for preparation of food “for you,” but not for gentiles.¹ Cooking and, for that matter, all labors forbidden on Shabbat, are thus forbidden by Torah law on a festival if done for a gentile..²

The *Shulhan arukh* (*Orah hayyim* 512:1) states, “We may not cook for a gentile on festivals. Therefore, it is forbidden (even) to invite him lest one prepare more for him.”

*We may not cook for a gentile on festivals.
Therefore, it is forbidden (even) to invite him*

Though it would seem from this language that inviting a gentile to our home as a guest for a festival is a rabbinic prohibition, the language of the *gemara* (id.) suggests something different. “R. Yehoshua ben Levi said, ‘We may invite a gentile on Shabbat; we may not invite a gentile on a festival, [this is a] decree, lest one prepare

more for him.’”⁴ The decree, then, prohibits inviting a gentile on the holiday itself for fear that when cooking on the holiday one might feel the need to honor the guest by making special dishes for him. To quote Rosh (Rabbeinu Asher, on *Beitsab* 2:14) “R. Joshua ben Levi only prohibited inviting a gentile since he wants to honor him and will add dishes for him.”

We could say, then, that even though there is still the biblical prohibition of cooking for the gentile on the holiday, the rabbinic decree against an invitation does not apply when the invitation is proffered before the holiday. Thus, if care is taken that no special cooking is done for the gentile guest on the holiday, there would be no infraction of R. Joshua ben Levi’s prohibition. We would, then, interpret the language of the *Tur* and *Shulhan arukh*, “it is forbidden to (even) invite him” as referring to “on festivals” in the first sentence.⁵

But the idea that one may invite a gentile before the holiday is problematic. If the prohibition rests on the desire to please the invited guest

¹ *Mishnah berurab* 512:2 includes Jewish idolaters and public Sabbath desecrators in the prohibition. (The problem posed by that ruling for the case of contemporary *ba’alei teshuvah* is best left for discussion elsewhere.) Meiri (on *Beitsab* 21b) writes, in keeping with his overall view in these matters, that it is only idolaters and pagans for whom we may not cook, not contemporary nations bound by ethical and religious norms. Whether or not we agree with Meiri on other such matters, such as saving gentile lives on Shabbat, it is difficult to understand how his view would apply to rule stated in the Torah in terms of “for you.” All the more so since the *Talmud Yerushalmi* explains, “for those who observe *yom tov*, we may cook on *yom tov*, for those who do not observe *yom tov* we may not.” But see the *Yerushalmi* where this may merely be a rationalization given to gentiles.

² See *Bi’ur halakhab* 512 s.v., *ain mevashelin* where the Hafets Hayyim discusses the severity of the Torah prohibition and whether it applies to carrying or lighting fires according to Maimonides.

³ *Tur Shulhan arukh* omits the word “even.”

⁴ Maimonides, *Mishneh torah*, *Hilkhos yom tov* 1:13 quotes the text of the *gemara*.

⁵ In this way we avoid creating a dispute between Maimonides and *Tur* on this point. But see below.

when cooking on the holiday, why should it make a difference when the honored guest is invited?

The *gemara* further teaches, “When a gentile happened in on Mereimar and Mar Zutra on a holiday, they said to him, ‘If the effort we’ve put in for our own [food] is enough for you, fine. If not, we will not (or: cannot) put in any more effort for you.’” The cooking, it seems, was already done and the fellow was not an invited guest. The *Tur* writes, “Rambam wrote (*Yom tov* 1:13), ‘However, if the gentile comes on his own, he may eat with them whatever they are eating since they’ve already prepared it.’ But this is not correct, since even if they’ve already prepared it, we must fear lest he add [dishes] for him if he is honored and worthy. Rather, one needs to say to him, ‘If what we’ve prepared for ourselves is sufficient, come eat.’”

Beit yosef explains, in the name of the *Maggid mishneh*, that Maimonides believes that R. Joshua ben Levi prohibited *inviting* a gentile, but that no prohibition of *feeding* a gentile was mentioned. Since this guest dropped in on Mereimar and Mar Zutra, the concern about adding dishes did not require a prohibition on feeding him. Notifying him that he would have to share what was already prepared was merely a courtesy, not essential to the authorization to feed him. *Tur*, on the other hand, sees the reason for the prohibition as a defining element, not merely a matter of wording. Unless he were notified that that we cannot add anything for him, even feeding him would be tantamount to a prohibited invitation, since if he deserved honored service, we might indeed add something for him.

This suggests an inference with respect to our earlier question: According to Maimonides, the invitation is the determinative factor; and just as the word “invite” is specific, so, too, may be the words “on *yom tov*” as well. An invitation proffered before *yom tov* may not be subject to R. Joshua ben Levi’s prohibition. For the *Tur*, however, the main consideration is the chance

that one might add dishes in honor of the guest; therefore, the time of the invitation or even whether there was an invitation is not an issue.

An invitation proffered before Yom Tov may not be subject to R. Joshua ben Levi’s prohibition

According to the *Tur*, R. Joshua ben Levi used the term “invite” to make the point that we are dealing with someone whose honor is at issue. According to Maimonides, the term was more specific, since someone who simply dropped in would not expect anything special, even if he were the sort of person who would be treated elegantly were he an invited guest. On this view, though, even Maimonides would say that an invitation before the holiday would still be an invitation. We could say, however, that when one invites a guest on *yom tov* for that day, the guest expects to be specially honored when he arrives, since he assumes that preparations would be made on account of his having accepted the invitation. When the invitation was extended before the holiday, he would assume upon his arrival that all had been prepared and would not expect any additional effort. Nevertheless, since the preparation is assumed to be taking place on *yom tov* the fact that the invitation was tendered earlier does not diminish the fear that one will add special dishes for the guest. This is why Maimonides adds in the case of the drop-in, “since they’ve already prepared it.” Were the cooking not yet done, Maimonides would agree that we must desist, lest there be a need to make special dishes even for the heretofore uninvited guest. But when the food has already been prepared, he does not draw a distinction with respect to an invited guest.⁶

As mentioned, this may be because the invited guest would expect to be honored after the invitation and we fear the host will try to oblige.

⁶ See *Sha`ar tsun* 512:3

The *Tur* seems to take the word “invite” as significant when it states “Specifically inviting him [is forbidden], since he wants to honor him and we fear he will add [dishes] for him. But [the host’s] servant or maid in his home....may be fed along with him.” As stated above, the idea of inviting is determinative, but only because of concern about the “honored” guest.⁷

The *Shulhan arukh*, without comment from Rema, omits the need to saying anything to the drop-in guest. Taz and Magen Avraham agree, but they observe that an invitation to eat after the fellow drops in is nonetheless an invitation. They do not state any distinction related to whether the food has already been prepared.⁸

According to the *Tur*, if there is no distinction between an invited guest and an uninvited one, it might be sufficient even for an invited guest to say “There won’t be anything special, just what we’ve prepared for ourselves.” The *Mishnah berurah* (512:10) stipulates that the rule for a drop-in applies only if the food has already been prepared and adds that various authorities⁹ require that a statement be made. One can assume that according to those authorities, which include the *Tur* being one, both requirements must be met. I would venture that according to the *Tur*, an invitation on *yom tov* after the food is made would be permitted in principle as long as the statement were made; as a practical matter, however, he believes that such a statement would be an insult to an honored invited guest rather than an honor. An invitation made before *Yom Tov*, according to the *Tur*, even when accompanied by the statement would not prevent the host from perhaps adding to the menu for the guest and would be forbidden since the food has not yet been prepared.

As explained earlier, Maimonides would also agree that an invitation before the holiday would not be sufficient to allay the fear that special dishes would be prepared for the guest, since the cooking has not already been done.

The *gemara* (*Beitsab* 17a) states, “It was stated as fact that a woman may fill an entire pot with meat even though she only needs one piece. A baker may fill an entire barrel with water even though he only needs one pitcher.¹⁰ As for baking, he may not bake more than he needs. R. Simeon ben Elazar says, ‘A woman may fill the entire oven with bread since bread bakes better when the oven is full.’”¹¹

It would seem that as long as one is doing only one act of cooking (or baking, according to R. Simeon), it makes no difference whether the entire amount is actually necessary. It is for this reason that I specifically added the idea that it is the cooking of special (separate) dishes for the gentile that R. Joshua ben Levi was concerned about of. Were one to cook a larger amount in the same pot with the gentile in mind, there would be no desecration of *Yom Tov*, but R. Joshua ben Levi forbade inviting a gentile even for such a meal lest one honor him with separate—that is, additional—dishes. Hence, were one to invite a gentile and serve only a larger amount of the items served to everyone else, he would not thereby violate any biblical rule, though he would violate R. Joshua ben Levi’s rabbinic decree.

This is clearly stated by Rosh:

We are worried that he might cook a pot separately in which he would not have cooked were it not for the gentile. For if he didn’t add for the gentile other than in the pot than what he is cooking [for himself] there would be no chance of a violation.”¹²

⁷ Rashba also requires a statement by the host.

⁸ The *Shulhan arukh*, however, does not mention that comment by Maimonides.

⁹ *Tur*, Rashba, Rashi and, evidently, Gra

¹⁰ “Since it is all one effort” (Rashi, ad loc., s.v. *memale’ab ishal*). That is, no separate act is needed to prepare the non-essential food.

¹¹ The *halakhab* is in accordance with R. Simeon. See *Mishnah berurah* 512:12 regarding modern ovens.

*Beit Yosef*¹³ cites the *Orah hayyim* as stating that one may not send a gift of food to a gentile on *Yom Tov* if he planned to do so when cooking on *Yom Tov* since he probably added to the dish for the gentile. Moreover, the *gemara*'s rule about "filling the pot" applies only to the needs of a Jew. *Beit yosef* comments that it is obvious from what he has written at the beginning of the section (where he quotes Rosh and others) that the halakhic decisors disagree.

*The Gemara's rule about "filling the pot"
applies only to the needs of a Jew*

One can interpret this to mean that the *Beit yosef* believes it is permitted to feed an invited gentile food that was cooked for the household, even if the amount prepared had been increased for the sake of the gentile. This seems to be the understanding of the *Derishah*.¹⁴

Regarding the early authorities he quoted, the *Derishah* wonders how the *Beit yosef* finds that one may cook additional food for a gentile in the family pot when Rosh states clearly that this is the very thing that R. Joshua ben Levi prohibited lest one prepare a separate dish.¹⁵ Evidently, the *Derishah* believes that the *Beit yosef* permitted cooking for a gentile on *Yom Tov* even

if one adds to the family pot, as long as nothing separate is made.

With all due respect, though, I believe that the *Derishah* misunderstands the *Beit yosef*. The *Orah hayyim* stated that one may not send to a gentile even the food cooked for the family, lest one add to it for the gentile—and that would be the rule even without R. Joshua ben Levi's prohibition. Even though the *gemara* expressly permits enlarging the batch of food in the case of the housewife or the baker, *Orah hayyim* believes this is not permitted for the benefit of a gentile.

The *Beit yosef* is claiming that according to the views of Rosh, Ran, and Rashba, all of whom stress the honor of the guest as the prime factor, the concern applies only when the guest is invited to the home for the meal. When a gift of food is sent to the gentile, the gift itself is sufficient honor; and we need not fear that anything separate will be added. Additionally, since Rosh *et al* say that only adding a separate, additional dish must be avoided, they obviously do not agree that adding to the family pot would in itself be prohibited.¹⁶

The *Shulhan arukh* states, "[The prohibition applies] only to an invitation¹⁷, but a servant or maid or someone [not Jewish] sent [to the Jew] or a gentile who comes uninvited may be fed with [the Jew] and we have no fear that he will prepare extra for them." The operative idea is that these are not honored guests.

¹² *Beitsab* 2:14

¹³ 512, s.v. *katav be'orah hayyim*

¹⁴ 512:a

¹⁵ As it happens, Rema (512:1) concurs with the *Orah hayyim*. He also completes the *Beit yosef*'s thought that sending food would be permitted. *Mishnah berurah* (215:6) cites authorities who only permit sending a portion of what was actually cooked for the family and do not permit adding to it for the gentile. This is similar to the opinion of the *Orah hayyim*. If the *Derishah* is correct in his understanding of the *Beit yosef*, we have no less an authority than the *Beit yosef* to rely on for permission to invite and cook for a gentile in this manner. See *Mishnah berurah* (loc. cit.) and *Sha'ar Tsiyon* 10, where others are cited as agreeing with the *Beit yosef*.

¹⁶ *Mishnah Berurah* (512:6) is referring to sending a gift and has the above two points in mind when he states (*Sha'ar Tsiyon* 10) that the *Beit yosef* disputes "all the words of the *Orah hayyim*." Rema, who says that one may not add to the family pot for a gentile is taking the same view as the *Orah hayyim*, that one may not send a gentile even a portion of what has been cooked in the family pot, since this too is included in R. Joshua ben Levi's decree, lest one add to the pot.

¹⁷ Rema completes the thought by saying, "to the [Jew's] home but to send to [the gentile] to his home is permitted."

Although we have not yet found a way to permit the invitation of a gentile for a holiday meal, two things are evident.

1. Though the decisors may differ as to who is considered an “honored guest” or one for whom a dish might be added, it is agreed that one who is not in those categories is not included in R. Joshua ben Levi’s prohibition.

2. R. Joshua ben Levi’s prohibition is based on the premise that the cooking and other preparation will be done on *yom tov* itself.

Regarding the first point:

It is my opinion that none of our invited guests expect to have any special dishes prepared for them especially. They may indeed expect to be served “guest-worthy” or holiday delicacies but, nothing that the hosts, their family and other invitees would not themselves be offered. It is possible that today, the *Shulhan arukh*’s list may be extended to include most if not all of our invited guests.

Three problems must be considered, however:

1. We have seen that even where the guest may not be considered as one for whom we might add a special dish, Rema rules with the *Orah hayyim* that one may not add an extra amount for the gentile guest even to the family pot.¹⁸ Simply filling the pot, without taking account of the number of guests, offers no recourse according to the *Orah hayyim*. Those who follow the *Beit yosef* can be more lenient here.¹⁹

2. Many people today have special dietary needs--vegetarian, vegan, no-sugar, no-salt, no-gluten, etc. These guests will in fact expect

specially prepared portions. Such a guest is certainly included in the original prohibition.

3. Coffee and tea. These are made separately for each person and would be problematic. Even a full kettle of boiled water would be problematic according to Rema if the number of guests is taken into account when filling the kettle. I am even apprehensive about inviting a gentile at all if coffee or tea is to be served, since R. Joshua ben Levi prohibited the invitation precisely for fear that such a course might be offered. I doubt, though, that the entire idea that the rule no longer applies is undermined because of the *chance* that coffee or tea might be served.²⁰ If coffee and tea will not be served at all, there should be no problem. We also saw earlier that a statement that nothing further will be cooked after the meal has been prepared, will help according to all opinions when there is no “honored guest.”

*Preparing all holiday food in advance would
obviate any concern*

Even where all the above problems are not applicable or could be avoided, I am reluctant to dismiss an explicit talmudic prohibition on the basis of my conjecture unless there are *poseqim* who would agree with me.

Regarding the second point:

R. Joshua ben Levi specifically excluded Shabbat from his prohibition since no cooking would be done on Shabbat. As for a holiday, it was assumed that since cooking was permitted on a holiday, one would prefer to have fresh cooked food in honor of the festival. Since

¹⁸ Certainly individual portions of food, even if cooked together with the family’s food, would be forbidden. Many authorities hold that such things as burgers, knishes, blintzes, schnitzel and the like are considered as being made especially for each guest. See *Mishnah Berurah* 512:6 for the different opinions and circumstances in which one may be lenient.

¹⁹ I believe that, a turkey, for instance, is considered a single unit and that if a larger turkey is cooked because of the guests, it is not considered to be a case in which something has been added. The same probably applies to a kugel or the like, since a pan of kugel is usually baked without paying attention to portions. The *Tashbets*, quoted by the *Beit yosef* (512, s.v. *um’sh vedanqa*) seems to support this.

²⁰ We may prepare a full “Shabbat urn” of hot water from before *yom tov* and ask that the guests prepare their own coffee or tea if desired.

keeping food fresh was difficult, even slaughtering of animals was expected to be done on *yom tov* for *yom tov*. Today, there is no reason why food cannot be prepared and kept fresh from *erev yom tov*, i.e. immediately prior to the holiday. Preparing all food for the holiday in advance would obviate any concern. Even if one might say that the permissibility of cooking on the holiday is sufficient reason to worry lest we cook something special for the guest, we saw earlier that once all the food is made, even the *Tur* would permit a statement to the effect that nothing further would be cooked. The only reason we found for his not mentioning this possibility is that the statement itself might be an insult to an honored guest. I do not believe this would be a problem today.

Even the three problems noted under the first point are easily resolved by cooking everything before *yom tov*. One could certainly add to the amount cooked. Even the special-diet dishes would be prepared before the holiday. An urn could be put up with hot water and guests could be directed to prepare their own coffee or tea. Still, three things need to be looked into:

1. Warming refrigerated foods on *Yom Tov*

Shehiyah and *hazarah*²¹ are prohibited on Shabbat either because one might stoke the fire or because it “looks like cooking.” Since neither of these *melakbot* is prohibited *per se* on *Yom Tov*, I do not think the Sages’ prohibition

would apply today merely because this particular guest is involved. Even though it may “look like cooking,” there is nothing to make it “look like” cooking for a gentile. That resolves concerns about solid foods.

2. Reheating liquids

According to the *Beit yosef*, reheated liquids, such as soups, are considered to be recooked, and even Rema states that we are stringent, and do not reheat, where the liquid has reached room temperature. Nevertheless, it is the opinion of the *poseqim* that Rema’s ruling is a non-essential stringency.²² Even according to the *Beit yosef*, only those dishes that are specially made for the gentile guest are in question, since we can rely on those who believe that the Beit Yosef prohibits the reheating only of clear water or the like but not of soup, which is considered complete with the initial cooking.²³ I feel more confident here in applying my earlier position as an additional leniency.²⁴

3. Two Day *Yom Tov*:

It is much easier in Israel to prepare on *erev Yom Tov* for the one-day holiday that follows. In the diaspora, if it is necessary to invite the gentile guest for a meal on the second day of the holiday, one should cook for the second day on *erev Yom Tov* and cook the first day’s meals on *Yom Tov* proper if all cooking, for both days, cannot be done in advance.

²¹ Leaving already cooked foods on the fire or returning them to the fire. This is not the place to go into specifics of the laws related to cooking on the Sabbath.

²² *Humra be-`alma*. Those who would be strict here can warm the food on a “*blekb*” as they would on Shabbat.

²³ *Peri megadim*.

²⁴ And, perhaps, even Meiri’s idea regarding the gentiles to whom the prohibition applies. Again, those who would be stringent can use a “*blekb*.”