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**Law, Halakhah and Metaphysics:**  
**The ‘Nemukei Yosef’ and Individuation of Actions as  
a Case Study**

This article discusses the question of whether or not there exists a justification for a metaphysical proposition to be based on a legal or halakhic proposition and vice versa. The central case study used for this article is the argument advanced by Rabbi Yosef Haviva, also known as ‘Nemukei Yosef’ after his well-known book, which at first glance appears to base a particular metaphysical proposition regarding the nature of actions on legal propositions regarding the liability of a person who set fire to his friend’s field.

The criticism I present here of this argumentative step is based on an idea of ambiguity concerning the terms used in these different contexts: the meaning of a term as expressed by a legal professional is not necessarily equivalent to its meaning expressed by metaphysicians. The root of this ambiguity lies deeply in a difference that exists between the goals of a philosopher and a legal professional. The former is interested in clarifying the substance of the phrase being used, while the latter is to set laws, enforce them, etc. Because of that difference, this kind of argumentative step is not justified unless we have a ‘transfer principle’ which offers a reason for that shift.

Regarding the Nemukei Yosef’s argument, a possible solution to this problem could be found by changing the way we see the argument’s conclusion—not as a metaphysical proposition but as a judicial one. Although the argument’s assumptions and its conclusion pertain to distinctly different halakhic areas, we have at hand in this example a transfer principle that should explain the shift between them. The transfer principle is an assumption of the importance of maintaining coherence within halakhah, something that guarantees the identity of a concept’s meaning pertaining to relevant phrases even when the halakhic context is different.