

## A new one should be demolished

## חדש יותץ –

### OVERVIEW

The איסורי הנאה cited a ברייתא if a new (unused) clay oven was heated with fuel it must be destroyed and it cannot be used.<sup>1</sup> If he baked bread (in this oven) with איסורי הנאה fuel there is a dispute between רבי who maintains the bread is אסור and the חכמים who maintain the bread is מותר. Our תוספות explains this מחלוקת.

קסבר יש שבח עצים בפת<sup>2</sup> והכא נמי יש שבח עצים בתנור<sup>3</sup> וזה וזה גורם<sup>4</sup> אסור<sup>5</sup> -

רבי maintains that the baked bread derives benefit from the wood (which is heating the oven), and here too (regarding the oven) the oven derives benefit from the wood, and רבי also maintains that זה וזה is forbidden –

ושבח עצים בפת regarding רבי ורבנן between מחלוקת תוספות clarifies the

ויש שבח עצים בפת היינו העצים שהן גורמים אפיית הפת כשאבוקה כנגדו<sup>6</sup> -

And רבי who maintains שבח עצים בפת; means a case where the wood, which causes the baking of the bread, its flame is exposed to the bread -

ורבנן סברי אין שבח עצים בפת אף על פי שהאבוקה כנגדו -

However the אבוקה כנגדו maintain that אין שבח עצים בפת even though it is

דשלהבת אינה באה מן העצים אלא מחמת משהו הנשרף -

Because the flame does not come from the existing wood, but rather from the bit of wood that is burnt (and consumed by the fire) -

ואם כן היא כמו גחלת<sup>7</sup> דאין האיסור בעין וכן פירש"י -

<sup>1</sup> The initial heating up of a new oven strengthens the oven and makes it possible for it to be used. Therefore the oven is sustained by איסורי הנאה and it may not be used.

<sup>2</sup> When one bakes bread, the bread improves (from nonedible dough to edible bread). This improvement is due to the איסורי הנאה fuel which is making the fire and baking the bread. It is considered as if the איסורי הנאה became absorbed by the bread, thus making the bread אסור.

<sup>3</sup> See footnote # 1. Just as we consider the bread to be אסור בהנאה (for it derived benefit from הנאה) so too the oven is אסור בהנאה (since it too derived benefit from הנאה).

<sup>4</sup> זה וזה גורם (literally this one and this one is the cause); refers (in this case) to the bread which will be baked in the תנור חדש, with permissible fuel. The bread that is being baked requires both the oven (which is a cause of איסור [see footnote # 3]) and [with regular] fuel (which is a cause of היתר). רבי maintains that in a case of זה וזה גורם (since there is a גורם of איסור) it is אסור (even though there is also a גורם of היתר).

<sup>5</sup> Therefore רבי rules יותץ חדש; for this oven can never be used again since there will always be a גורם of איסור (namely the oven).

<sup>6</sup> The flame (and heat to bake) comes directly from the איסור הנאה wood which is there by the bread.

<sup>7</sup> When the bread was baked on the coals of איסורי הנאה (the original fuel changed and became coals) all agree (even רבי) that the bread is מותר since the איסור is not בעין; it became coals.

Therefore this is like the case of coals where the forbidden item does not exist, and רש"י also explained it in this manner.<sup>8</sup>

asks: תוספות

הקשה הרב רבינו אהרן לרבי<sup>9</sup> הא דאמר (תרומות פרק ב' משנה ג') המבשל בשבת בשוגג יאכל - asked; according to רבי, this which the משנה states, 'one who cooks on שבת inadvertently, the food may be eaten -

ואפילו בשבת<sup>10</sup> ואמאי נימא יש שבח מוקצה בפת<sup>11</sup> דגחלים מוקצין הן - And even on that very same שבת; but why is it מותר [according to רבי] let us say מוקצה?! for the coals (on which the food was cooked) are מוקצה בפת

answers: תוספות

ואומר רבינו יצחק דלא שייך אלא באיסורי הנאה דוקא<sup>12</sup> - And the ר"י answered that this idea of שבת וכו' בפת יש only applicable by איסורי הנאה specifically, but not by other איסורים such as מוקצה - וכן פירש הקונטרס בפרק בתרא דעבודה זרה (דף סו, ב ושם) גבי תנור שהסיקו בכמון של תרומה: And רש"י also explained it in this manner<sup>13</sup> in the last פרק of ע"ז regarding the תרומה<sup>14</sup> of 'an oven which was heated with cumin' of משנה.

## SUMMARY

אסור is זו"ג and יש שבח עצים בתנור because he maintains that רבי maintains that י"ש שבח. This applies only when the wood is apparent but not after it becomes coals. איסורי הנאה is applicable only by עצים וכו'.

## THINKING IT OVER

<sup>8</sup> לקמן כז, א בד"ה יוליך and בד"ה אימור.

<sup>9</sup> The question was presented to the ר"י instead of לרבי. The question is both on רבי and the רבנן. However the מהרש"א retains our גירסא (even though the question is also on the רבנן), since the idea of יש שבח is mentioned and attributed explicitly to רבי.

<sup>10</sup> This is the view of ר' מאיר that even the מבשל (בשוגג) may eat it on this same שבת.

<sup>11</sup> Just as ר' מאיר teaches that the איסור הנאה is transferred from the food to the bread, the same should apply here that the איסור מוקצה of the coals should be transferred to the bread and therefore make the bread מוקצה and forbidden to be eaten on that שבת.

<sup>12</sup> By איסור הנאה we say that since יש שבח עצים בפת there is a bit of איסורי הנאה there, so therefore by eating the bread you are deriving benefit from איסורי הנאה; however by איסור מוקצה even though you may be deriving הנאה from the מותר בהנאה, nevertheless it is permitted since מוקצה is מוקצה.

<sup>13</sup> See there שאין רש"י where בד"ה שאין רש"י writes; איסורה איסור הנאה.

<sup>14</sup> Aromatic seed used as a spice.

Is the מחלוקת between רבי and the רבנן whether there is שבח עצים בפת or there is no שבח עצים בפת (רבנן); or is the מחלוקת whether it is considered שבח עצים or it is considered שבח גחלת (רבנן) but all agree that there is שכר בפת?<sup>15</sup>

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<sup>15</sup> See שפת אמת.