

## וכתיב אך ביום הראשון תשביתו –

**And it is written; ‘However on the first day you shall eliminate’**

### OVERVIEW

<sup>1</sup> states פסוק which (seemingly) conflict with each other. One cites two פסוקים אביי (indicating that חמץ is אסור for a complete seven day period) and the other states<sup>2</sup> (indicating that on the first day it is partially מותר). There is a dispute between רש"י and תוספות how אך מותר ביום הראשון indicates that it is partially מותר.



**פירש הקונטרס מדמחייב ביום הראשון להשבית מכלל דמקצתו מותר –**

**explained** the contradiction as follows, **since the תורה obligates to eliminate the חמץ on (during) the first day (the תורה writes תשביתו), this implies that חמץ is permitted on part** of the first day. חמץ is permitted on the part of the day before we eliminate it. If חמץ would be אסור the entire first day, the תורה would have commanded us to eliminate it before the first day; not on the first day.

רש"י disagrees with תוספות:

**ואין נראה לרבינו יצחק דהא תשביתו הבערה היא<sup>3</sup> –**

**And the ר"י disagrees with this explanation; for תשביתו refers to burning -**

**ולא צוה הכתוב לשורפו אלא לאחר איסורו<sup>4</sup> –**

**And the תורה did not command to burn חמץ before the זמן האיסור begins;<sup>5</sup> only after the prohibition** for possessing חמץ begins would the תורה command us to burn it. Therefore there is no proof from תשביתו, ביום הראשון תשביתו, that חמץ is partially מותר on יום הראשון.

פירש"י has an additional difficulty with תוספות:

<sup>1</sup> שמות (בא) יב, יט.

<sup>2</sup> שמות (בא) יב, טו.

<sup>3</sup> See previous ד"ה מדאורייתא. תוספות ד"ה ביטול (as רש"י maintains) then it would be understood that if we are to be מבטל ביום הראשון this indicates that part of יום הראשון must be מותר, since one cannot be מבטל חמץ לאחר זמן איסורו. However תוספות maintains that תשביתו refers to הבערה.

<sup>4</sup> ר' יהודה דף יב, ב, ר' יהודה. On אין ביעור חמץ אלא שריפה (לקמן כא, א במתני') maintains ר' יהודה. According to השבתתו בכל דבר then בשעת ביעורו, however, שלא בשעת ביעורו (אין ביעור חמץ אלא שריפה) אימתי בשעת (אסור מדרבנן חמץ) שעה ששית (when חמץ is only חמץ) means during, the time of ביעורו, שלא בשעת ביעורו, there, רש"י means after שש שעות (when חמץ is מדאורייתא). This is in accordance with רש"י's opinion here that the הבערה takes place (מותר מדאורייתא). However תוספות maintains the opposite, that הבערה is after זמן שריפת חמץ is during שש שעות, in accordance with his view here that חמץ is after שש שעות. See מהרש"א.

<sup>5</sup> There is no reason to burn חמץ before זמן איסורו. The owner can still use it (eat it; sell it to a גוי, etc).

**ועוד אי ממשמעות דיום ראשון משמע מקצת מותר מה צריך לאך חלק –**

**And furthermore if the indication of the words יום ראשון signify that חמץ is partially מותר (as רש"י maintains), why is it necessary for the גמרא later to utilize 'אך חלק', to teach us that part of the day is מותר; it is self evident according to רש"י from the words ביום הראשון?!<sup>6</sup>**

Tosfos finds a partial vindication of רש"י concerning this last question:

**מיהו ללישנא שני שפירש הקונטרס דא"ך ח"ץ באח"ס בט"ע אתי שפיר –**

**However, according to second interpretation that רש"י explained** there concerning חלק, that the word אך is the equivalent of the word חץ if you use the permutations of אח"ס בט"ע, etc.; then the interpretation is understood. If not for the word אך we would know from ביום הראשון that part of י"ד is מותר; however we would not be certain to what extent it is מותר. The תורה writes אך which is the equivalent of חץ (meaning half) to indicate that half the day is מותר (up to חצות) and half the day is אסור (beginning from חצות). This answers the second question. Tosfos first question on רש"י, however, still remains.

Tosfos offers his interpretation:

**ונראה לרבינו יצחק דמיתורא דקרא קדריש<sup>8</sup> –**

**And it is the view of the ר"י that interprets אך to mean י"ד, because the פסוק is unnecessary.** There is no contradiction between the two פסוקים; rather the אך ביום הראשון תשביתו פסוק of is redundant, we already know that it is necessary to eliminate חמץ from the פסוק of ימצא לא ימצא. The (only) reason the תורה writes אך ביום הראשון is to teach us that חמץ is אסור a day before; on the fourteenth.

Tosfos offers an alternate explanation that indeed the two פסוקים contradict each other:

**ועוד מדכתיב אך ודרשינן לקמן אך חלק פריך<sup>9</sup>:**

**And in addition one can say; the contradiction is based on the fact that the word אך was written in the פסוק, and later we interpret it to mean חלק; indicating that**

<sup>6</sup> The גמרא on ה,א, after it accepted that אך ביום הראשון refers to י"ד, asks that perhaps the אסור begins on י"ד in the morning; to which the גמרא responds אך חלק. Initially רש"י there אך explains that אך is a מיעוט, meaning that only part of יום הראשון (which is י"ד) is אסור but not the entire day. Tosfos here asks that the אך חלק is unnecessary, ביום הראשון itself teaches us that only part of the day is אסור; otherwise it would be necessary to eliminate the חמץ prior to the beginning of the day (according to רש"י).

<sup>7</sup> אח"ס בט"ע is a certain permutation of א"ב that any letter can be exchanged for another which is seven (or a multiple of seven) places away from it in the א"ב. The ה and the א are seven places away so they are interchangeable (making the א of אך into a ה); the כ and the צ are seven places away making them interchangeable (making the ך of אך into a ץ) thus אך becomes חץ.

<sup>8</sup> See 'Thinking it over'.

<sup>9</sup> According to Tosfos the contradiction is (not from ביום הראשון as רש"י maintains but rather) from אך [חלק]. It seems that אב"י knew of אך חלק; however the גמרא did not realize it until later in the discussion.

the שבעת ימים וגו' of פסוק, this is in contradiction with the מותר is partially מותר, this is in contradiction with the פסוק of יום הראשון

## **SUMMARY**

According to רש"י there is a סתירה between the פסוק of שאור וגו' (which indicates that חמץ is אסור כל שבעה) and the פסוק of תשביתו וגו' (which indicates that חמץ is partially מותר on the first day).

תוספות disagrees and maintains there is no סתירה because the תשביתו takes place on the first day as soon as the חמץ becomes אסור.

תוספות maintains that the פסוק of יום הראשון is redundant to teach us the איסור on the fourteenth.

Alternately; אך חלק (which teaches us that the איסור on יום הראשון is only for half the day), creates a contradiction with the פסוק of שבעת ימים.

## **THINKING IT OVER**

תוספות maintains (in his first explanation) that the פסוק of תשביתו is redundant (in order to teach us the איסור on the fourteenth).<sup>10</sup> It would seem however that the פסוק of תשביתו is necessary to teach us (according to תוספות) that there is a חייב שריפה; how can תוספות maintain that it is unnecessary?<sup>11</sup>

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<sup>10</sup> See footnote # 8.

<sup>11</sup> See פנ"י (and בסופו).