

(ואומר¹) כל מלאכה לא תעשו².

And the תורה states; 'You shall not perform any work'

OVERVIEW

פסוקים of פסוק derives the איסור חמץ on ע"פ רבי עקיבא from a combination of two פסוקים; the פסוק of פסוק and the פסוק of פסוק. The חיוב of חיוב is by burning the חמץ. Burning is an אב מלאכה, which is forbidden on יו"ט (unless it is נפש אוכל נפש); if ביום הראשון would be taken literally that we are to burn the חמץ on the first day of יו"ט, that would contradict the לאו of לאו. Therefore we must assume that the חיוב of חיוב is from ערב יו"ט. The issue at hand is that at a certain point in the burning process, one may derive benefit from the burnt חמץ. There should therefore be no problem in burning the חמץ on יו"ט, since the burnt חמץ can be used (at a certain [later] point) to cook food, which is permitted on יו"ט. Why therefore does ר"ע assume that the חיוב of חיוב contradicts the איסור of איסור; כל מלאכה לא תעשו; when it is possible to observe them both on יו"ט. We can burn the חמץ on יו"ט with the intent to use the [coals] fire (later) for cooking.



תוספות asks:

אף על גב דכשישרף ויעשה גחלים הנאתו מותר –

Even though when the חמץ will be burnt and turned into coals, it is permissible to derive benefit from these coals, so why should it be forbidden to burn the חמץ?! The חמץ may be burnt on יו"ט, since eventually it will become coals, and the coals will be used to cook³, which is permitted on יו"ט.

איסור הנאה will prove that it is permitted to derive benefit from coals of חמץ. There is no הנאה once the חמץ becomes coals:

כדאמר בפרק כל שעה (לקמן כו,ב) גבי ערלה⁴ בישלה על גבי גחלים דברי הכל⁵ הפת מותר.

As the ברייתא states in פרק כל שעה concerning ערלה, that if bread was cooked (baked) on top of coals (made from burnt ערלה) everyone agrees that the bread

¹ The word 'ואומר' is amended to read 'וכתיב'.

² The מלאכה לא יעשה בהם amends this to מסורת הש"ס.

³ The ashes can also be used for כיסוי הדם or other uses concerning נפש.

⁴ ערלה (the fruits of the first three years of a newly planted tree) is forbidden באכילה and בהנאה.

⁵ If the bread was baked from ערלה before it turned into coals there is a מחלוקת between רבי who maintains that the bread is אסור (for שבת עצים בפת) and the חכמים who maintain that it is מותר (for שבת עצים בפת).

is permitted to be eaten.⁶ It is evident that even by איסורי הנאה, once the איסור became coals, it is מותר בהנאה -

– **והוא הדין חמץ** –

And the same ruling applies to **חמץ**. The coals of burnt חמץ are מותר בהנאה; one may use these coals to cook with. The question is; why cannot we burn חמץ on יו"ט, since eventually (when it becomes coals) it may be used for cooking?!

תוספות anticipates a possible solution and rejects it:

והא דתנן בפרק כל שעה (דף כא,א) לא יסיק בו תנור וכירים -

And that which the משנה teaches in פרק כל שעה that once the time of חמץ איסור begins **one should not heat up a תנור וכירים** with the חמץ which he is burning. It appears from that משנה that one may not derive any benefit from burnt חמץ. This would (seemingly) answer our question. The חמץ איסור of הנאה extends even to coals. That is why one may not burn חמץ on יו"ט, because there is no possibility of deriving any benefit of אוכל נפש from this חמץ.

תוספות rejects this solution:

– **היינו מדרבנן** –

This prohibition of לא יסיק בו תנור וכירים is only מדרבנן. However, מן התורה it is מותר to derive benefit from איסורי הנאה of גזלים. The question remains, why we cannot burn the חמץ on יו"ט, for since it can be used for אוכל נפש, there is no איסור of לא תעשו of איסור.

תוספות answers that תשביתו cannot be on יו"ט:

אומר רבינו יצחק דסברא הוא דקרא דתשביתו מיירי בכל ענין -

The ר"י answers; it is logical to assume that the פסוק of תשביתו is discussing all situations -

אפילו אינו צריך לגחלתו -

even when he has no need for these coals (of the burnt חמץ). In this case he may certainly not burn them on יו"ט since he will not be using them for any purpose of אוכל נפש. Therefore we must conclude that the תשביתו of חיוב begins before יו"ט.

תוספות offers an alternate solution:

– **אי נמי כיון דמתחלת הבערה אינו יכול להנות ממנו** –

Or you may also answer that since at the very beginning of the burning (before the חמץ becomes coals) **one may not derive benefit from** the חמץ since it is still חמץ, therefore -

⁶ If the coals of ערלה would be בהנאה, אסור בהנאה, then the bread would also be אסור, since by eating it we are deriving a benefit from the coals of ערלה (which baked this bread).

אף על גב שיהא לו הנאה ממנו אחר כך אסור –

Even though you can derive benefit from it later (when it turns into coals), nevertheless **it is forbidden** to initially burn it on יו"ט.⁷

לצורך אוכל יו"ט, if initially it is not מלאכה on יו"ט, offers an example that it is prohibited to do a מלאכה on יו"ט, if initially it is not לצורך אוכל נפש, even if eventually it will be נפש:

כמו נדרים ונדבות⁸ שאין קריבין ביום טוב למאן דאמר (ביצה דף יט, א, כ, ב) –

It is like pledges and donations which are not sacrificed on יו"ט, according to **the one who maintains so** (that קריבין ביו"ט) –

אף על פי שיש בהן מאכל הדיוט לבסוף –

Even though at the end there will be food for the layman⁹, nevertheless since initially we offer the קרבן to ה', not for מאכל אדם, therefore it is prohibited to offer these קרבנות on יו"ט. The same is here by חמץ, since initially when we begin to burn it, the חמץ is בהנאה and cannot be used for נפש, therefore it is forbidden to burn it on יו"ט even though eventually (when it becomes coals) it will be permitted to be used for נפש.

anticipates the obvious question, there is an opinion that נדרים ונדבות are קריבין ביו"ט, seemingly because eventually it will be לאכילת הדיוט, ראוי, this undermines תוספות assumption that even if it eventually can be used for נפש it is still אסור since now it is not being used for אוכל נפש. תוספות responds:

ומאן דשרי שרי (מלהנות) [מלה']¹⁰:

And the one who permits נדרים ונדבות to be offered on יו"ט, he **permits** it to be sacrificed on יו"ט for he derives it **from** לה'¹¹; that (even) קרבנות which are לה', one is permitted to bring on יו"ט. However by שריפת חמץ where there is no ריבוי to teach us that one may burn חמץ on יו"ט, everyone will agree that since initially one cannot use this נפש אוכל לצורך, it is forbidden to burn it on יו"ט.

SUMMARY

One may not burn חמץ on יו"ט if he does not intend to use the coals later for אוכל נפש. Alternately one may not burn חמץ on יו"ט (even though that he intends later to

⁷ See 'Thinking it over'.

⁸ נדרים means vows, where a person vows to bring a קרבן. This vow is effective and binding until a קרבן is actually offered on the מזבח. נדבות are donations where one pledges a specific animal (bird, or flour) for a קרבן. That animal becomes הקדש. If the animal is lost, etc., the owner is not obligated to replace it with another קרבן.

⁹ The קרבן and the owners will be permitted to eat from this קרבן (if it is a שלמים).

¹⁰ The תוספות הרא"ש and תוספות הרשב"א in גירסא (and that is also the מלה' in רע"א).

¹¹ The פסוק reads (בא' [בא] יב, יד) ותגותם אותו חג לה' (שמות [בא] יב, יד).

use the coals for cooking), for since initially he cannot use it for אוכל נפש, it is prohibited.

THINKING IT OVER

second answer is that since initially you cannot derive benefit from it, therefore it is אסור.¹² Why is this different that a regular fire on יו"ט? There too you cannot derive any benefit from it initially. The fire must be made large enough and then it does not heat right away, etc. Obviously the answer is this is the process of cooking. The same should apply to the coals; this is the process of making coals for cooking. What is the difference between the two?!

¹² See footnote # 7.