

פסח while “your חמץ is still intact” i.e., all חמץ must be removed before the time the Pesach may be slaughtered. R’ Akiva provides another source: “It says, אַךְ בַּיּוֹם הָרִאשׁוֹן תִּשְׂבִּיתוּ שְׂאֵר, and it is also written, כָּל מְלֶאכֶה לֹא תַעֲשׂוּ בָהֶם (on the first and last days of Passover). When is בַּיּוֹם הָרִאשׁוֹן? We know that kindling a fire is an אַב מְלֶאכֶה. Since the fire in which the חמץ is burned is not for the preparation of food, burning חמץ on Yom Tov would be prohibited. Therefore, אַךְ בַּיּוֹם הָרִאשׁוֹן תִּשְׂבִּיתוּ שְׂאֵר מְבִתֵיכֶם must mean that one burns/removes his חמץ on the day *before* Yom Tov, on the fourteenth of Nisan.” Rava tells us that we may conclude from the statement of Rabbi Akiva three rules: 1. The removal of חמץ can be performed *only* by means of burning. 2. The prohibition against kindling a fire on Shabbos was specifically singled out in the Torah to divide the various primary categories of labor and to establish liability for performance of each of them-הַבְעָרָה לְחֵלֶק יִצְאָתָּהּ. 3. We do not say: Since it is permitted to kindle a fire for the purpose of preparing food, it is also permitted to light a fire *not* for the purpose of preparing food, e.g., to burn חמץ. Rav Meir Simcha explains that R’ Akiva’s statements in the Mechilta and ראש השנה fit exquisitely together with the conclusions made by Rava in פסחים. The Mechilta’s attempt to prohibit “תוספות שבת” work can only be made if הַבְעָרָה לְחֵלֶק יִצְאָתָּהּ i.e., creating fire is a כְּרַת punishment. Using בַּיּוֹם הַשְּׁבִיעִי to allow “תוספות שבת” work, unlike R’ Yonasan who uses it to *permit* making fire for non-נְפֶשׁ-אֹכֵל purposes on Yom Tov, aligns with Rava’s third point.

What about R’ Yishmael? Rav Meir Simcha tells us that R’ Yishmael is in agreement with the Mechilta’s R’ Yonasan. He proposes that since R’ Yishmael does not use תְּשַׁבֵּת וּבִקְצִיר תִּשְׁבֵּת to prohibit אוֹכֵל נְפֶשׁ-אֹכֵל fire on Yom Tov, as R’ Yonasan tells us. This necessitates R’ Yishmael in פסחים to find a different source for removal of חמץ on the fourteenth, which he does-זְבַח־דָּם חֲמֵץ עַל חֲמֵץ דָּם זָבַח־דָּם.

Rav Meir Simcha uses all this “ammunition” to contest a Tosafos in ביצה בג. The Gemara there tells us that placing spices on top of a burning coal is prohibited. Placing them on a hot earthenware shard though is permitted, as there is no concern of extinguishing a fire. Rashi adds that although the incense may ignite from the scalding shard, this type of kindling is not Biblically prohibited for it is being done in an unusual manner. Rav Yitzchak, quoted by Tosafos, disagrees and says that it *is* הַבְעָרָה בְּדֶרֶךָ but is permissible because this Gemara believes that אוֹכֵל נְפֶשׁ-אֹכֵל fire *can* be made on Yom Tov. This is because הַבְעָרָה לְלֹא יִצְאָתָּהּ i.e., fire was singled out to make it a “mere” negative command and its breach punishable by lashes, not כְּרַת. It is to this point that Rav Meir Simcha says תוספות שפירשו תוספות. He has shown us that even if one holds הַבְעָרָה לְחֵלֶק יִצְאָתָּהּ, one can still agree that אוֹכֵל נְפֶשׁ-אֹכֵל fire is permissible on Yom Tov, as R’ Yonasan (and R’ Yishmael) learn from בַּיּוֹם הַשְּׁבִיעִי! לֹא תִבְעְרוּ אֶשׁ... For an Acharon to disagree with a תוספות is not something taken lightly but Rav Meir Simcha believes that the pieces “add up” to his conclusion. And yet, he closes this piece with a conciliatory, ודו"ק היטב.

לזכר נשמת אבי מורי ישראל מנחם בן ר' שלום ז"ל
 לזכר נשמת אמי מורתי רחל בת ר' אלחנן אביגדור ע"ה
 לזכר נשמת חמי מורי יעקב נתן בן ר' ישראל שלמה ז"ל
 ולזכר נשמת הרב יהודה בן ר' אברהם שמחה (קופרמן) זצ"ל
 מחבר הגהות על ספר משך חכמה