

רבי אליעזר בן יעקב אומר משעת האור –

'אור' maintains from the time of ראב"י

OVERVIEW

The גמרא cites the מחלוקת between ראב"י and ר"י whether the איסור מלאכה begins at sunrise or at nightfall. Our תוספות explains the reasons behind their views.



למאי דמסקינן אור ממש נקט רבי אליעזר בן יעקב שיעור למילתיה בתחלת היום –
ראב"י According to the conclusion¹ of the גמרא that אור means **actual light**, then **ראב"י assigned the extent of this ruling of מלאכה בע"פ** to start **at the beginning of the day**. When ראב"י says משעת האור he is referring to עלות השחר, when the day begins and we refer to it as אור. The reason for this ruling is self evident (as the גמרא comments); the day begins with עלות השחר.

ורבי יהודה נקט הנץ החמה משעת כניסת פועלים למלאכה שהוא אחר זריחת השמש –
ראב"י And **ראב"י maintains** that the prohibition begins **at sunrise**, for that is the time **from when the workers begin their work, which is after sunrise**².

will now prove that workers begin to work after sunrise:

כדאמר בהשוכר את הפועלים (דף פג,ב ושם) פועל בכניסתו משלו ביציאתו משל בעל הבית
As the גמרא states in **פרק השוכר את הפועלים**; **'a worker gives from his own time when he enters the city to return home,**³ and he takes **from the employer's time when he exits** the city to go to his place of employment.

פירוש⁴ ביציאתו מביתו למלאכה –

The explanation of the term **ביציאתו** means when he leaves **his home to go to work**, it is on the expense of the employer⁵ -

כדכתיב (תהלים קד') תזרח השמש יאספון וגומר יצא אדם לפעלו –

¹ The term 'conclusion' is seemingly misleading; there is (seemingly) no conclusion that אור is יום, rather it is (merely) פנ"י. See [however] ד"ח א.

² It is fitting (according to ר"י) that the prohibition to work (on ע"פ) should coincide with the time laborers customarily begin their day's work (but not before).

³ He must work until nightfall, and then goes home. He is returning home on his own time; not getting paid for it. His going home (as opposed to going to work) is not beneficial for his employer.

⁴ The term פירוש is (generally) used to indicate that the simple explanation is not the correct one. One may have thought that בכניסתו means when one goes to work and ביציאתו means when one leaves work. תוספות makes us aware that the opposite is true.

⁵ The work should begin at sunrise. However, the worker may leave his house at sunrise; coming to work somewhat later. This is at the expense of his employer who pays him a full daily wage (despite the fact that he comes slightly late to work). See 'Thinking it over # 1.

As it is written ‘when the sun shines they (referring to the nocturnal creatures) gather in to their resting places, etc.; the next פסוק continues ‘man goes out to his job’. We see from this פסוק that a person goes to work after sunrise (not by עלות השחר).

תוספות mentions an apparent difficulty:

ולא הוי רבי אליעזר בן יעקב לא כבית שמאי ולא כבית הלל⁷ –

And **ב"ה** does not follow neither **ב"ש** nor **ראב"י** –

דבית שמאי אוסרין הלילה ובית הלל מתירין עד הנץ –

For **ב"ה** prohibit the entire (previous) night from working, and **ב"ש** permit working until sunrise. Neither prohibits working from עלות השחר.

תוספות anticipates an additional difficulty:

ולמאי דסלקא דעתין דאור אורתא כבית שמאי –

And according to what initially entered our minds that אור means evening, it would seem that ראב"י follows the view of **ב"ש** that the איסור begins the previous night. This poses a difficulty. How can we say that ראב"י follows the view of **ב"ש** instead of **ב"ה**?⁸

תוספות responds:

יאמר רבי אליעזר בן יעקב לא נחלקו בית שמאי ובית הלל בדבר הזה:

ראב"י will maintain that **ב"ש** and **ב"ה** never argued concerning this issue, when one is איסור to do מלאכה on ע"פ. He will maintain that the תנא of that משנה is mistaken when it mentions the מחלוקת of **ב"ש** וב"ה. According to ראב"י both **ב"ש** and **ב"ה** agree that איסור מלאכה begins at the previous night⁹.

SUMMARY

ראב"י maintains that the prohibition begins at the beginning of the day which is עלות השחר, while ר"י maintains that the prohibition from work begins when people usually begin to work; בגין החמה.

THINKING IT OVER

1. In this תוספות it appears that workers begin at sunrise (or somewhat later).¹⁰

⁶ פסוקים כב, כג.

⁷ See previous תוספות ד"ה מאימתי.

⁸ Especially since there is also the dictum (יבמות מט,ב) that the teachings of ראב"י are קב ונקי (few but clean [correct]). The הלכה is כב"ה and also כראב"י. This is contradictory!

⁹ See (however) ‘Thinking it over’ # 2.

¹⁰ See footnote # 5.

However in a previous ¹¹תוספות we learnt that the work began מעלות השחר. How can we reconcile these two תוספות?¹²

2. תוספות states (at the very end) that ראב"י will maintain that ש"ב"ש וב"ה never argued about the מלאכה on איסור ע"פ. Is this referring only to the קס"ד that אור means אורתא (and כב"ש is ראב"י), or does תוספות mean to say this also according to the מסקנא that (לא כב"ש ולא כב"ה is ראב"י) (and יום means אור)?¹³

¹¹ ב,א ד"ה והא.

¹² See תוספות ב"מ פג,ב ד"ה פועל

¹³ See תוספות הרא"ש (ובהערה 81 בהוצאת מכון אופק)