

Where do we find a day – היכן מצינו יום שמקצתו מותר ומקצתו אסור – where partially it is permitted and partially it is forbidden

OVERVIEW

ע"פ ר"פ on איסור מלאכה challenges the view of ר"י who maintains that the day begins at the נץ עלות השחר until נץ החמה. It turns out, therefore, that part of the day, from נץ החמה, work is permitted, and the other part of the day, from נץ החמה onwards, work is prohibited. ר"י asks rhetorically where do we find such a day which is partially permitted and partially אסור; indicating that we do not find this anywhere. תוספות qualifies this statement.



פירוש¹ היכא דליכא סברא כי הכא וכן חמץ דאקשי ליה מיניה –

The explanation of this inference, that there is no day which is מקצתו מותר ומקצתו אסור, is only where there is no reason to make an איסור for part of the day, like here by איסור מלאכה and similarly by איסור חמץ from which ר"י challenges² ר"י. In these two cases there is no rational to divide the day and maintain that part is מותר (for עשיית and/or אכילת חמץ) and part is אסור.

אבל היכא דאיכא סברא –

However where there is a logical reason to divide the day into time zones of אסור ואיטור - כגון לא יאכל אדם מן המנחה ולמעלה³ משום תיאבון וכיוצא בו לא מיירי:

For instance the rule that a person may not eat ערב פסח from מנחה onwards in order that he have an appetite (for the מצה), and similar logical restrictions for part of the day; ר"י was not referring to these cases. It is understood that where there is compelling logic to limit an איסור to part of the day, the חכמים will certainly do so.

SUMMARY

A day may be divided into times of אסור ואיטור when there is a logical reason for it; however when there is no logic then (according to ר"י) there is no day שמקצתו מותר ומקצתו אסור.

THINKING IT OVER

¹ The term פירוש is used here to qualify this broad statement of ר"י.

² ר"י challenges ר"י why divide the day into two parts concerning מלאכה when there is no logic to compel us. ר"י responds there is no logic to compel that איסור אכילת חמץ should be for part of the day. Both sides are discussing situations where there is no compelling logic to divide the day into אסור ואיטור zones.

³ לקמן צט"ב.

אסור מותר and part of the day should be סברא why states that there is no תוספות
ר"י by עשיית מלאכה. However, in the previous תוספות it was explained why
maintains that the איסור מלאכה should begin with בנין החמה?⁴

⁴ See חידושי בתרא and מהרש"א (הארוך) בתוד"ה ראב"י.