If someone was מחלל שבת, then it’s אסור for you to benefit from it as a קנס. The example in the גמ' is one of בישול בשבת (this is just the example, it’s ל"ד).

משנה (\_)-There is a 3-way מח' תנאים-what is the דין if someone cooked on שבת?

* ר"מ-שוגג is מותר on שבת, and מזיד is אסור afterwards (both for you and everyone else).
* ר"י-שוגג is אסור on שבת, but מותר afterwards, and מזיד is אסור for you forever, and מותר for everyone else after שבת.
* ר"י הסנדלר-שוגג is אסור for you forever, and everyone else after שבת, but מזיד it’s אסור for everyone forever.
  + רש"י (כת' וגיט')-Unlike תוס' and other ראשונים who say that the מזיד of ר"מ is ר"י’s שוגג, and his מזיד is the שוגג for ר"י הסנדלר-he holds that we differentiate between לו and אחרים way more, and therefore there are way more קולות in regards to the אחרים who weren’t the ones who did the אסור.

How do we פסקין?

* תוס' (and other ראשוני אשכנז)-We פסקין like ר"מ.
* רי"ף/רמב"ם/רמב"ן/רא"ש-We פסקין like ר"י.
  + Thus, the ש"ע (שיח:א) says that if it’s שוגג for everyone is אסור on שבת but מותר after שבת, and if it’s במזיד then it’s אסור for him forever and מותר for everyone else after שבת.
  + גר"א ()-You are wrong for בני אשכנז, we פסקין like ר"מ.
    - The biggest נ"מ is שוגג, many Jews who are שומרי שבת but are ignorant as to what it means to be שומר שבת. According to the ש"ע it should be אסור on שבת, and for the גר"א it should be fine.
    - מ"ב (ס"ק )-לכתחילה we should go like the ש"ע, but בשעת הצורך we can be מקיל like the גר"א. Obviously if it’s במזיד then there is no התר-אסור on שבת. This could be that they didn’t know the הלכה, or that they forgot/didn’t mean to-it’s מותר בשעת הצורך. If you can’t benefit, you have to go to another house, or another room, or close your eyes-seriously.
  + מ"ב (ס"ק ג) and ב"הל ()-The רמב"ם says like ר"י, but then says that one who is מטביל כלים on שבת (אסור דרבנן-fixing) then בשוגג it’s מותר (like ר"מ). What’s פשט? The ב"הל explains based on the גמ' (גיטין ) that there is a מח' whether or not we have a קנס of שוגג אטו מזיד. And the גמ' there says that by דיני דרבנן we are not קונס שוגג אטו מזיד. Therefore, שלא בשעת הצורך when it’s a דארייתא then we are מחמיר. But if it’s שעת צורך or it’s דרבנן but שלא בשעת הצורך then we can be מקיל like the רמב"ם (and even the ש"ע would be OK with this).
    - Example: A lot of people have lightbulbs, and everyone basically says it’s an אסור דרבנן. And therefore, if someone בשוגג turns on or off an electric appliance then it’s מותר if it’s not doing one of the 39 אבות מלאכות.
      * A non-religious Jew we usually call him מזיד. What if they ממש have no idea? If they are orthodox then it’s שוגג, and you can be מקיל on the שעת הדחק if it’s דארייתא. RB thinks that this is מזיד, if a person says “I don’t keep שבת, they know that there is such a thing as שוגג and they don’t hold of it. No room to be מקיל if they are doing an אסור דרבנן.

The ש"ע says that it’s מותר מיד-because you shouldn’t say בכדי שיעשו. When do we say this? Byאמירה לנכרי. Meaning, even if he does מלאכה for you on his own-then it’s אסור for you to benefit from it right after שבת. Example; let’s say that you give them their suit right before שבת, and pick it up right afterwards, you need to wait the time it takes to do dry cleaning after שבת. And the reason is because at that point you could have told them to do it after שבת.

* For example, if you order it on one-day shipping right before שבת, then you need כדי שיעשטו. When you give him 3 days, and he does it on שבת-then we rely on the fact that he did it on שבת and had another way to do it בהתר then it would be מותר for you to benefit from it.

What about for a Jew? Do you have to do כדי שיעשו? Or מיד. תוס' in ביצה say that it’s מותר מיד and רש"י, בה"ג and the רמב"ן says that it’s אסור בכדי שיעשו. Why would it be different for a Jew? רש"י makes sense. תוס' gives 2 סברות (we פסקין like the רמב"ם and the רא"ש that we are מקיל). Why are we more מקיל by a Jew? 2 opinions in תוס'.

* דעה #1-Because we are מחמיר by a גוי that you get into the habit of asking the גוי all the time. But no one would ask a Jew to do מלאכה for him all the time again, we are not חושש someone to tell a Jew to do this, but a גוי we are likely to continue to tell them to do that. F
* דעה #2-It is שכיח that they do מלאכה on שבת, so they were גזור, but a Jew is מילתא דלא שכיחא.
  + פ"מ-There is a נ"מ between these 2 answers of תוס': A חילוני Jew (ישראל מומר)-no one would ask a non-frum Jew on שבת. But in terms of שכיח, most Jews don’t keep שבת, and especially in America there is the majority-and even in א"י the whole of Jews are not wholly committed to שבת and therfore you can’t call it a מילתא דלא שכיחא. Therefore, if you live somewhere where there are non-frum Jews and they do מלאכה, what’s the דין?
    - מנחת יצחק-מחמיר-you have to wait בכדי שיעשו.
    - צי"ץ אליאזר-Leans towards being מקיל.
      * כדי to be מחמיר on this.

הלכה למעשה: If you have a כשר establishment, you can’t start שבת till business ends, all of the non-frum employees drove there to work there right after שבת. RB paskined that it was מותר.

This whole question of כדי שיעשו, this is all talking about אחרים. But if it’s about him-himself, then it’s אסור לעולם and במזיד then he can *never* eat that cake. Where does this come up? במזיד isn’t so often for the person himself.

Some milk is not מהדרין becuaes they milk it on שבת. What could be so bad about it? Even if they milk it on שבת, we aren’t happy that they do it-and they do it במזיד. Why should it be so bad? After שבת it should be OK for you, it’s only אסור לעולפ for the guy who actually milked it.

* מ:א (ס"ק סס"ק ב)-The אסור of לעולפ is only for the guy who is מחלל שבת. But he says, what about someone is נתבשלו בשבילו? By י"ד we say that the person who had it done for them is just as אסור. This would be a big חומרא, because the Kibbutzim are milking the cows for the customers. Therefore it should be אסור לעולם because it was cooked for you. So too if your aunt bakes you a cake on שבת. But, he says that the ב"י says that there it is the same because there is a חשש that you might give it to a גוי. There is not a חשש that you will ask a גוי to do it for you (here) because of כדי שיעשו is already deterring you. And there is no חשש that a Jew will do it for you because אין אדם חוטא ולא לו. By י"ד if somsone who is מבטל an איסור לכתחילה and he might do it by a Jew as well. חילול שבת won’t happen by a Jew for another Jew.
  + There are actually 2 deoais int eh ב"י-eitehr that a Jew will do it again or that a גוי will do it again.
  + Why is this questionable? It make sense that a frum Jew who has a temptation, but you wont’ d it for someone else. But if he doesn’t even view it as a חט and he will keep doing it…
    - Many פוסקים say: ציץ אליאזר, לא גזרו חזל on one who is נתבשל בשבילו בכלל.
    - מ"ב-פשוט מותר.
    - Pm-It’s אסור if the מבשל is a מומר-then it’s aאסור למי שמתבשל בשבילו-because the guy is going to continue to do it. Meaning, you really need the גזירה.
    - ח""ס-Look, if סתם your aunt bakes you a cake then we are מקיל and you can eat it after שבת. But if it’s a kibutz that makes milk or a company that does something, then you are supporting on-going מחלל שבת, that every customer that they have makes them be מחלל שבת. Meaning, if it’s באחראי then you can eat it on Sunday, but if it’s a business of חילול שבת. Therefore, the milk from the non-frum Kibbutzim.
    - According to many פוסקים it is מותר.
      * הלכה למעשה-We are not חושש usually for the פ"מ,to אסור it לעולפ but its’ proper to be מחציר for the ח"ס. But מעיקר הדין there is what to be someicha on לגמרי. And that is why it’s proper to buy mehadin milk. But for buying non-mehadrin milk, It just might be milked on שבת. However מעיקר הדין you doj’t have to follow the ח"ס and if they don’t have it-then you can drink non-mehadrin.

(שיעור)

2 of Unique circumstances where things are more אסור then you would think”

* ב"הל (ד"ה אחת)-Quotes from the גמ', something which should be אסור that day-but you can’t use it that day, then we are מחמיר and we would make it אסור forever. (big חומרא).
* Also, מ"ב (ס"ק ה) brings down from the מ"א-If י"ט is on שבת, whatever is cooked on שבת is אסור on י"ט.

More practical issues:

The גמ' (), and this is brought down in the מ"ב (ס"ק ד), that it’s אסור באכילה and not אסור בהנאה. For this reason, the א"מ says that if someone turned the light on and found what you were looking for, you can use that because you aren’t benefiting directly from the מלאכה. Because the פשט of the מ"ב is that you are אסור to have the direct benefit but you are allowed to have the in-direct benefit.

* So, when the non-frum workers get there מוצ"ש and drove, you aren’t benefitting from their driving directly.

What if one carries the keys through the רה"ר and opens a door?

* ר"מ says that to open the door that you open the door is the direct benefit and that would therefore be אסור to use.
* רש"ז, it’s אסור to use the key but it’s מותר to walk through the doorway.

Also, the ב"הל (ד"ה אחת)-What if it’s the חפצא that the מלאכה was done to-but the object didn’t change. For הוצאה the חפצא didn’t change. The מ"ב quotes the חיי אדם that if he carried it then we should be מקיל like ר"מ and not like ר"י.

* If someone drove to your house on Shabbos with a cake, if there was no הוצאה it’s OK-but usually they do, and usually it’s במזיד and then since we hold like ר"מ and being מקיל like ר"מ.

בליעת כלים for מעשה שבת-What about for the person himself, his whole life he cooked in his pots on שבת במזיד. Are they אסור for him לעולם?

* מ"א-It’s משמע in the רשב"א, that it becomes a חפצא of treif. This is really just a question for the מבשל himself.
  + The מ"ב quotes this, this is the mainstream פשט. It’s not so common to have כשר food and also be cooking on שבת, because normally it’s treif anyways.
* The rav had a mesorah from his father, it obviously an אסור חפצא if others can eat it, and rather the קנס is an איסור גברא.

דשיל"מ-What if you have a תערובת of כשר food and מעשה שבת food.

* The מ"א-If you have a משהו of מעשה שבת, בשוגג-after שבת will be מותר and therefore it would not be בטל. This is not the case that he is discussing. What about if it’s a משהו of מעשה שבת במזיד. For אחרים it’s יש לו מתירין but for *you* it’s אין לו מתירין. This is a big מח' הפוסקים.
  + חוות דעת "ב ס"ק ה)-This is called ןאין לו מתירי and therefore it’s בטל (this is the רמ"א too).
    - You can have יל"מ for one, and אל"מ for another person.
  + And the מ"א says that it is considered יש לו מתירין.
    - If it’s יל"מ for one Is י"ל for everyone.
    - The איסור of זרות has no מתירין ,and the איסור of חוץ does.
      * Leibedig and deep-this lumdis.

סעיף ב

There are 2 halachic issues that come up for doing things for a חולה: (1) מוקצה, the שוחט (animal is made useful), and for the מבשל (it already was useful) and (2) גזירה שמא מרבה שיעורים. The question with any of this, is not whether the Jולה gets the food, obviously he does. But the question is whether or not you are allowed to eat the leftovers.

מוקצה-This is a problem for the שוחט, it wasn’t ready for use before and now it is. But for the מבשל it was already fit for use and now it is as well.

גזירה שמא ירבה-We are worried that once you do a bit for him you’ll do more for yourself. For the cooking we are more worried, becuae you add. But when something is שחטed it’s either שחטed or it’s not. It’s only שייך when you have to add each individual unit.

The worst way to do it, is to add a new מעשה for yourself, and that’s an אסור דארייתא. But ריבוי שיעורים is when you do it all in 1 מעשה, put it all in at once but it was more of than I needed. Rebbe wants to say that the real ריבוי שיעורים is the non-מחלל שבת. What is the דין when you do it?

* איסור דארייתא-
* איסור דרבנן-

What happens when he is fighting where there is no הוצאה. What if you put it with the things that you need for Pיקוח נפש. This is a real question for soldiers. Given that it’s not a דארייתא, and it’s a כרמלית. And if you do ריבוי שיעורים then it’s a דרבנן and therefore it’s a תרי דרבנן.

All the ראשונים ask, if you forgot to do עירוב תבשילין then you can do extra on י"ט for שבת. Why are we so מקיל on ריבוי שיעורים on י"ט. The ר"ן answers; חילול שבת is דחויה but cooking on י"ט is הותרא.

The שמא ירבה is the last line, but did it mean “forget מוקצה”or not in the מסקנה.

ש"ע (שם)-There is no מוקצה.

* If he got sick before שבת, then it’s for sure good because there was a good chance that you would שחט it on שבת.
* But if you got sick on שבת, then when שבת started you had it out of your mind and therefore there is a good chance that it would be a שאלה of מוקצה.
  + רמב"ם/רי"ף/רא"ש/רשב"א-Not מוקצה.
  + רש"י/ר"ן/ראב"ד-It’s מוקצה.
  + (Q) Why would it not be מוקצה? Because קיימא לן כר"ש in regards to מוקצה. The גמ' makes it clear that he would agree if there was דחייה בידים, לא חזי, and in this case there was no דחייה בידים.
    - But the ט"ז says (that everyone ignores) because it was מוקצה beforehand-מיגו דאתקצאי לבה"ש איתקצאי לכולי יומא. We only say מידו ד... when the object changes and not when the person changes. But over here, it’s no the animal that changed but rather the person changed (got sick) and therefore מיגו we don’t say.
  + (Q) What do the רשין/ראב"ד/ר"ן respond? Not shechting an animal is like דחייה בידים and thus because you could have done something about it and didn’t. OR it has to be predictable.
    - We פסקין like the מחבר, like the מקילים. You need דחייה בידים.

רמ"א-And this גזירה of שמא ירבה is even if a non-Jew does it for you. הלכה למעשה this comes up when the גוי is doing things for the אין בו סכנה and therefore you have to make sure not to benefit yourself. But there is no איסור of כדי שיעשו.

What about the אסור of בישול עכו"ם? Since there is a תורה preference for the גוי to cook, there would not be an אסור of בישול עכו"ם and that is what the מ"ב says here that there is no gziera of בישול עכו"ם.

* קיג-the מ"ב in שכח says that’s treif and most פוסקים go like the בישול עכו"ם.
  + After שבת, no one can eat it. You don’t have to כשר the כלים, because we have a mach,okes abnotu this and it’s a ספק ספיקא.

מ"ב-חולה שחלה בשבת and you were קוצר מחובר בשבילו-it’s איסורbecuase of שמא ירבה.Is it a question of מוקצה?

* מ"א-Beucase לא דחיה בידים.
* מ"ב-מחובר is more חמור than live animals. Why? (a) because it’s so easy to do it, then not doing it is like דחייה בידים.

רמ"א-Even a חולה שחלה מע"ש, and you knew you might have to pick things for him; it depends. If it was already fully ripe then it’s not מוקצה. If it was still growing then it’s Mוקצה, because-you can’t be מכין something that didn’t’ exist. The מ"א, גר"א and מ"ב reject this פסק because they say “how much could it possibly grow”? It’s בטל! דשיל"מ is normally worse, but we paskint that if it came into the תערובת as a dsym-then it’s OK.

בית מאיר-You were מכין it in your mind, psychologically before שבת even though someone is sick you have in mind.