

Laws of Shabbat Chapter 6 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Rambam Hilchos Shabbos, Chapter 6 — Amira L'Akum and Related Laws

Halacha 1: The Foundation of Amira L'Akum

The Rambam's Words: "It is forbidden to tell a non-Jew to do work for us on Shabbos, even though he is not commanded regarding Shabbos, and even if one told him before Shabbos, and even if one doesn't need that work until after Shabbos. This matter is forbidden rabbinically, so that Shabbos should not be light in their eyes."

Explanation: One may not tell a non-Jew to do a melacha on Shabbos — even though (1) the non-Jew is not obligated in Shabbos, (2) one told him before Shabbos, (3) one doesn't need the melacha until after Shabbos. The prohibition is rabbinic, so that Shabbos should not become light in people's eyes.

Insights and Explanations:

A) Dispute among the Rishonim regarding the reason for the prohibition — three opinions against the Rambam:

- Opinion of the Behag (and Yereim):** Amira l'akum is a **Torah prohibition**, because the Gemara derives it from a verse — "lo yei'aseh kol melacha." If it's derived from a verse, it appears to be from the Torah.
- Opinion of Rashi:** The prohibition stems from "**v'daber davar**" — one may not speak on Shabbos about matters that cause melacha.
- Opinion that the Igros Moshe brings:** It's a matter of **agency (shlichus) applied stringently** — the non-Jew becomes as if an agent of the Jew, and the melacha is attributed to the Jew. The **Chasam Sofer** asks about this: how is agency relevant regarding Shabbos? The prohibition of Shabbos is that the Jew should **rest** — this is an "inyan sheb'gufo" that cannot be fulfilled through an agent.
- Opinion of the Rambam:** The prohibition is **rabbinic** — not agency, not "v'daber davar" — rather a decree so that **Shabbos should not be light in their eyes.**

B) How the Rambam's reason fits better with the halacha:

The Rambam's reason fits **very well** with both details — both the prohibition to say **erev Shabbos** (that the non-Jew should do it on Shabbos), and the prohibition to say **on Shabbos** (that the non-Jew should do it motzaei Shabbos):

- **According to "agency":** One can understand why saying erev Shabbos is forbidden (because the melacha is done through agency on Shabbos), but it's **difficult** why saying on Shabbos for motzaei Shabbos should be forbidden — there's no agency for Shabbos melacha.

- **According to "v'daber davar":** One can understand why saying **on Shabbos** is forbidden (because one is speaking on

Shabbos), but it's **difficult** why saying **erev Shabbos** should be forbidden — it's not Shabbos when he's speaking.

- **According to the Rambam's reason** ("so Shabbos shouldn't be light"): **Both** fit — telling a non-Jew erev Shabbos to do work on Shabbos makes Shabbos not have a Shabbos appearance (one sees melachos on Shabbos); speaking on Shabbos about melachos (even for after Shabbos) also makes Shabbos light in his eyes, because he's occupied with melachos.

C) Innovation: The prohibition is not on the "form of the statement" but on the result:

According to the Rambam's reason (so Shabbos shouldn't be light), there is **no difference** whether one says it explicitly, in writing, with a hint, or with gematria — the prohibition is **causing a non-Jew to do melacha for you**, not the manner of saying. This stands in contrast to the opinion of "v'daber davar," where one could indeed see a difference between saying and not saying.

D) Telling a Jew on Shabbos that he should do melacha motzaei Shabbos:

For a **Jew** also, one may not tell him on Shabbos that he should do melacha motzaei Shabbos. This is perhaps from a **separate prohibition** of "v'daber davar" (not the same reason as amira l'akum), and the Rambam says this later in the chapter.

E) No leniency for amira l'akum regarding Torah melachos:

A **general note** on the entire Chapter 6: **There is no leniency** to tell a non-Jew to do a **Torah melacha**. Only regarding a **shevus** (rabbinic) is there a leniency (shevus d'shevus). The only exception where one may tell a non-Jew even a Torah melacha is for a **sick person who is not dangerously ill** — but that's in **Chapter 2** (laws of the sick), not in Chapter 6.

Halacha 2: A Non-Jew Who Did Melacha on His Own — The Law of Benefit

The Rambam's Words: "A non-Jew who did melacha on his own on Shabbos — if he did it for a Jew, it's forbidden to benefit from that melacha until motzaei Shabbos, and one must wait the time it would take to do it." "And this is when the matter wasn't in public... that many people know that the thing was done for so-and-so on Shabbos."

Explanation: If a non-Jew **on his own** (without the Jew telling him) did a melacha for a Jew on Shabbos, the Jew may not benefit from it until motzaei Shabbos, and then he must wait **the time it would take** (as long as it would have taken to do the melacha after Shabbos). But if it was done **in public** — where everyone knows that the non-Jew did it for the Jew on Shabbos — the Jew may **never** benefit from it, not even after waiting the requisite time.

Insights and Explanations:**A) The prohibition is on the Jew, not on the non-Jew:**

One cannot say "the non-Jew has a prohibition on Shabbos" — the non-Jew has no obligation of Shabbos. The prohibition is **only on the Jew**: he may not **use** the result of the melacha. The Jew doesn't do any action — it's only a prohibition of benefit.

B) The prohibition of benefit stems from the same decree as amira l'akum:

This is **another level** of the same decree: not only may one not **tell** a non-Jew, but also not **use** what a non-Jew did on his own. The reason is the same — that a Jew should not use non-Jews' Shabbos melachos, so that Shabbos shouldn't be light in their eyes.

C) In public — a greater stringency:

When it's in public — for example, a non-Jew built a building for a Jew on Shabbos and everyone knows about it — the Jew may **never** live in that building. This is an **even greater degradation** of Shabbos, therefore the penalty is stricter.

Halacha 3: A Non-Jew Who Lit a Candle — Benefit from Melacha the Non-Jew Does for Himself

The Rambam's Words: "A non-Jew who lit a candle — a Jew may use its light. If for a Jew — it's forbidden."

Explanation: When a non-Jew lights a candle for himself, a Jew may benefit from it. When he lights it for the Jew, it's forbidden.

Insights and Explanations:**A) Innovation in the language "a non-Jew who lit a candle":**

It doesn't say "a non-Jew who lit a candle for himself" — the language just says the non-Jew lit it. One side is that this means: as long as one doesn't know that he lit it for a Jew, it's permitted — one doesn't need to know positively that he did it for himself, rather one just needs to not know that he did it for the Jew. The study partner rejected this — he holds that this is a "new leniency that isn't stated here" and one cannot innovate such a leniency that our Rabbis didn't teach. The Rambam says explicitly "if for himself" — this means one needs to know that he did it for himself.

Halacha: Making a Gangway to Descend from a Ship

The Rambam's Words: "He made a gangway to descend from the ship — a Jew may descend after him. And this is when he didn't know that he made it for the Jew."

Explanation: When a non-Jew makes a gangway to descend from a ship, the Jew may also descend with it, because we say he made it for himself. But if one knows that he made it for the Jew — it's forbidden.

Halacha: Filled Water to Give His Animal to Drink / Gathered Grass

The Rambam's Words: "He filled water to give his animal to drink — a Jew may give his animal to drink after him. He gathered grass to feed his animal — a Jew may feed his animal after him."

Explanation: When a non-Jew fills water for his animal or gathers grass for his animal, the Jew may also let his animal drink/eat from it.

Insights — The Rema's Condition of "Knows Him":

The Rema says: And this is when the non-Jew doesn't know the Jew. If the non-Jew knows the Jew — it's forbidden, because perhaps he will do more for him.

A) The reason for "knows him": When the non-Jew knows the Jew, there's a concern that he will do more — fill more water, gather more grass — for the Jew. A non-Jew only does for his own interest; he doesn't do a favor for a stranger. But if he knows the Jew, he has a "calculation" — a motive to do more.

B) Even when one doesn't actually see that he did more: The concern is not only when one knows that he did more, but even when he brings one bowl of water — if he knows the Jew, there's a concern that he brought a larger bowl than he would have taken for himself.

C) The principle of "something that can be increased": The concern of "will do more" is only regarding things that can be increased — like water or grass. But regarding a candle or a gangway, increase isn't relevant — "a candle for one is a candle for a hundred" — one candle illuminates for a hundred people the same as for one. Therefore, regarding such things, the Jew may benefit even if the non-Jew knows him.

Halacha: Majority Jews / Majority Non-Jews

The Rambam's Words: When a non-Jew lights a candle in a place where there are Jews and non-Jews: he lights according to the majority — he lights for the majority.

Explanation: If the majority are Jews — it's forbidden, because he's lighting generally for Jews. If the majority are non-Jews — it's permitted. Half and half — it's forbidden.

Insights:

A) "Half and half": It's unclear what "half and half" means — whether he has both in mind, or we don't know whom he has in mind. In any case, it's forbidden.

B) A practical point: If one prepares a candle on each table separately (like at a large party with Jews and non-Jews), on the table where Jews are sitting he made it for Jews — even when the overall majority is non-Jews.

Halacha 6: A Fire Broke Out on Shabbos — A Non-Jew Who Comes to Extinguish

The Rambam's Words: "A fire broke out on Shabbos and a non-Jew came to extinguish — we don't tell him 'extinguish' and we don't tell him 'don't extinguish.'"

Explanation: When a fire breaks out on Shabbos and a non-Jew comes to extinguish — one may not tell him "extinguish" (amira l'nochri), but one also doesn't need to tell him "don't extinguish." He may do it on his own.

Insights and Explanations:

A) Why is this different from regular "a non-Jew who did for a Jew"?

Regarding regular melachos, we learned that if a non-Jew does for a Jew, the Jew may not benefit — even in case of doubt,

even if he knows him. Why is it different here regarding extinguishing a fire?

B) First answer — preventing loss:

Extinguishing a fire is not "benefit" in the regular sense — it's only "preventing loss" (avoiding damage), not receiving a new benefit. This is like "chasing away a lion" — one chases away the lion, one doesn't receive something new. According to this, one can extend this to other situations where the non-Jew only does a melacha of preventing loss. But this doesn't mean that if a kitchen would have been destroyed by the fire it's like "he built a kitchen" — it remains only chasing away a lion.

C) Second answer — no degradation of Shabbos in an emergency:

The entire foundation of the prohibition of benefiting from a non-Jew's melacha on Shabbos is "so Shabbos shouldn't be light in his eyes." When a non-Jew extinguishes a fire — a danger, an emergency — this is not a degradation of Shabbos. Everyone understands why the non-Jew is doing this — it's rescue. The concern of "Shabbos being light in his eyes" is only when a non-Jew does regular melachos for a Jew, which can lead to the Jew himself also coming to do melachos.

Question on the second answer: If it's truly a danger, the Jew himself could extinguish! The fact that the Jew may not do it (without the special leniencies that will be learned later) shows that it's not a simple danger situation. Therefore, the matter of degradation remains.

D) Definition of "degradation of Shabbos" — not "light in his eyes" but "to come to do it himself":

"Degradation" doesn't mean that people will say Shabbos isn't important. The Rambam's language is "to come to do it himself" — the Jew will come to do it himself. If the Jew may not do it himself, and the non-Jew does it, this is exactly such a degradation.

E) Why one doesn't need to say "don't extinguish":

One doesn't have shevitas avdo (obligation for one's servant to rest) on a foreign non-Jew. A non-Jew doesn't need to rest — on the contrary, a non-Jew may not rest. Furthermore, if one tells him "don't extinguish" — the non-Jew causes the Jew damage. There's never such a halacha that one must tell a non-Jew to stop doing something that harms the Jew if he stops.

Halacha: A Deceased Person for Whom Non-Jews Made a Coffin/Grave on Shabbos

The Rambam's Words: "A deceased person for whom non-Jews made a coffin and dug a grave on Shabbos, or brought flutes to eulogize him — if in private, one waits motzaei Shabbos the time it would take to do it, and then buries. But if the grave was on a main road, or the coffin on its back, and all passersby say that what they're doing now on Shabbos is for so-and-so — this Jew may never be buried in it. But it's permitted to bury another Jew in it."

Explanation: When a non-Jew makes a coffin, digs a grave, or brings flutes for a deceased person on Shabbos — if in private, one waits motzaei Shabbos "the time it would take" and then may bury. If in public (on a main road where everyone sees) — that Jew may never be buried in that grave. But another Jew may be buried there.

Insights and Explanations:

A) "For so-and-so" — interesting language regarding a deceased:

The language "that they're doing for so-and-so" is odd, because the deceased is exempt from mitzvos — "for the dead, free." The answer: It's not about the deceased himself, but about "the honor of the living" — the honor of the family/relatives. They are the ones who need to prepare another grave, and on them the prohibition takes effect.

B) The Raavad's question on "the time it would take" for a second Jew:

The Raavad doesn't understand why a second Jew also needs to wait "the time it would take" — he didn't benefit from it at all, it wasn't made for him.

C) The Rambam's approach — "lo plug" penalty:

The Rambam learns a "lo plug" — once the Rabbis made a penalty that one may not benefit from Shabbos melacha, it's in general for every Jew. The extra stringency of public (never use) is only on the specific Jew, but the basic law of "the time it would take" remains for everyone.

D) Why specifically the example of a deceased:

The Rambam brings specifically the case of a deceased to show that even in a great need (deceased — an "emergency"), there's still the prohibition of public. One shouldn't think that because on the second day of Yom Tov we're lenient with matters of the deceased, we should also be lenient on Shabbos.

Halacha: Flutes That a Non-Jew Brought on Shabbos

The Rambam's Words: "A non-Jew who brought flutes on Shabbos for a deceased — even though he brought them from within the wall — one waits motzaei Shabbos the time it would take to bring them from a nearby place. As long as the matter isn't in great public."

Explanation: Even when the non-Jew brought the flutes from within the city (not outside the techum), one still needs to wait motzaei Shabbos "the time it would take to bring from a nearby place." And it may not be in public.

Insights and Explanations:

A) Why wait if no desecration of Shabbos occurred?

One cannot rely on this. One cannot ask the non-Jew whether he truly brought it from nearby, because the non-Jew has no credibility on this. It remains a doubt whether he brought it from outside the techum.

B) Rabbinic doubt stringently regarding a penalty:

Regarding a rabbinic penalty it's different — one makes it forbidden even in case of doubt, because otherwise people will "outsmart the system" — they'll work it out with the non-Jew.

C) Public regarding flutes — what's the difference?

If one isn't concerned about desecration of Shabbos (he brought it from nearby), what does public matter to me? The explanation: This is the "degradation of Shabbos" itself — that people should think that he brought it from outside the wall, and Shabbos shouldn't look like Shabbos.

D) Question whether regarding flutes there's also "forever" like regarding a grave:

Regarding a grave in public, the Jew may never be buried there. But regarding flutes — will one never use the flutes for

that person? It's not entirely clear, but it appears that regarding flutes the law is different than regarding a grave.

General Foundation: Shabbos Must Look Like Shabbos

Shabbos must look like Shabbos. One may not allow a situation where everyone sees that one is building on Shabbos for Jews, one is working on Shabbos for Jews. This is the foundation of the stringency of public.

Halacha: A City Where Jews and Non-Jews Live — A Bathhouse That Heats on Shabbos

The Rambam's Words: "A city where Jews and non-Jews live nearby and there's a bathhouse that heats on Shabbos — if the majority are non-Jews, it's permitted to bathe in it motzai Shabbos immediately. And if the majority are Jews — one waits the time it would take to heat. Half and half — one waits the time it would take to heat."

Explanation: A city where Jews and non-Jews live together, and there's a bathhouse that's heated on Shabbos by a non-Jewish owner — one follows the majority of the city. Majority non-Jews — permitted immediately motzai Shabbos. Majority Jews — one waits the time it would take to heat. Half and half — also wait.

Insights and Explanations:

A) The main question is not whether the bathhouse is open on Shabbos itself, but **for whom the non-Jew heats**. The bathhouse owner does it for the city — there's no doubt what he's doing, but a question for whom.

B) Presumably we're speaking of a bathhouse that's not open for Jews on Shabbos itself, but the heating on Shabbos remains until motzai Shabbos. When the non-Jew heats, he thinks of all customers — also those who come motzai Shabbos. Since Jews don't come on Shabbos, why should we say he thinks of them? The answer is: he also thinks of nighttime (motzai Shabbos), because he makes it for a whole day for all customers.

C) Practical ramifications: In a city with a Jewish majority (like Lakewood, Kiryas Yoel), questions arise regarding bus services, taxis, electric companies, water companies, sewer systems, and even a police department — if the non-Jewish service works on Shabbos for a majority-Jewish city, this is apparently the same law as a bathhouse. One needs to wait the time it would take motzai Shabbos. Specifically **one may not call a bus immediately motzai Shabbos** in such a city — one must wait the time it would take for the bus to come from where it comes. On Lag B'Omer that falls on motzai Shabbos, one is concerned about this.

D) In Eretz Yisrael this is a well-known question (electric company on Shabbos), but there it's a different question because there Jews work. Here we're speaking of amira l'akum — even when the non-Jew works, if he works for a Jewish majority, it's forbidden.

Halacha 8: A Jew Who Told a Non-Jew to Do Melacha for Him on Shabbos

The Rambam's Words: "A Jew who told a non-Jew to do melacha for him on Shabbos — even though he transgressed [and receives lashes of rebellion], it's

permitted for him to benefit from that melacha in the evening, after waiting the time it would take to be done."

Explanation: If a Jew explicitly told a non-Jew to do a melacha on Shabbos — although he transgressed the rabbinic prohibition of amira l'akum (and receives lashes of rebellion), the law regarding benefit from the melacha **is not stricter** than when the non-Jew did it on his own. One waits the time it would take motzai Shabbos, and then may benefit.

Insights and Explanations:

A) The Imrei (commentator) brings a great innovation: In essence, all cases where the non-Jew did it on his own (inadvertently, on his own initiative), one wouldn't have needed to wait the time it would take at all — it should have been entirely permitted immediately. **The entire reason for the time it would take was only stated for the case where a Jew tells a non-Jew to do a melacha on Shabbos.** Why? Because if one would permit benefit immediately motzai Shabbos, the Jew would have a reason to tell the non-Jew — he'll have the thing ready immediately. By forbidding even when the non-Jew does it on his own (one needs to wait the time it would take), **the motive to tell the non-Jew is removed** — because the Jew gains nothing from it, he needs to wait anyway. This is the reasoning why they forbade even when the non-Jew does it on his own — **so people shouldn't come to actively tell non-Jews.**

B) This is an interesting category: the Jew commits a transgression (amira l'akum), but the penalty (waiting the time it would take) is not greater than when the non-Jew did it on his own.

Halacha 9: Shevus D'Shevus — Amira L'Akum Regarding a Rabbinic Prohibition

The Rambam's Words: "Something that is not melacha and is only forbidden to do on Shabbos because of shevus — it's permitted for a Jew to tell a non-Jew to do it on Shabbos. And this is when there's some illness, or when one needs the thing for a great need, or for the sake of a mitzvah." "How so? One tells him to climb a tree... or to swim on the water... to bring him a shofar... or a knife to circumcise with... to transfer from courtyard to courtyard that don't have an eruv... to bring hot water to wash a child or one who is suffering. And similarly all such cases."

Explanation: When the prohibition itself is only rabbinic (shevus), a Jew may tell a non-Jew to do it (shevus d'shevus = amira l'akum + rabbinic prohibition), but only under three conditions: (1) some illness, (2) great need, (3) need for a mitzvah.

Insights and Explanations:

A) Distinction between sick and somewhat sick:

The Raavad asks about the Rambam: earlier the Rambam taught that for a sick person who is not dangerously ill, a **Jew himself** may do a rabbinic matter. If so, why does one need a non-Jew for somewhat sick? The commentator answers: **Somewhat sick is a lesser level than a sick person who is not dangerously ill.** A sick person — the Jew himself may do shevus. Somewhat sick (like a headache) — one may only tell a non-Jew to do shevus.

B) Examples of shevus d'shevus: Climbing a tree (lest he detach), swimming (lest he make a barrel), carrying from courtyard to courtyard without an eruv (karmelis — rabbinic). The Rambam brings practical examples: bringing a shofar on Rosh Hashana that falls on Shabbos, a knife for circumcision, hot water for a child or one who is suffering.

C) Practical ramification — electrical items: According to most poskim who hold that electrical items (like air conditioning) are only forbidden rabbinically, one may tell a non-Jew to turn on air conditioning when it's hot — because this is shevus d'shevus with great need.

D) [Digression: The weakness of "great need" as a criterion:] The concept "great need" is very weak and subjective — **every person can decide that for him there's great need**, and this leads to people calling a non-Jew on Shabbos for all sorts of things. Shevus d'shevus is essentially not a strong prohibition — it's only forbidden initially, but there's a great discussion how much one can be lenient. The Acharonim must define what "great need" truly means. In general, regarding rabbinic prohibitions one permits in case of great need.

Halacha: One Who Purchases a House in Eretz Yisrael — Amira L'Akum for Settling Eretz Yisrael

The Rambam's Words: "One who purchases a house in Eretz Yisrael — it's permitted to tell a non-Jew to do work on Shabbos, because amira l'akum and similar matters are only rabbinic prohibitions, and in the case of settling Eretz Yisrael they didn't decree regarding this matter."

Explanation: A Jew who purchases a house in Eretz Yisrael may tell a non-Jew to do melacha on Shabbos (like writing a deed), because settling Eretz Yisrael is such an important mitzvah that the Sages didn't decree amira l'akum regarding it at all.

Insights:

A) The innovation is that regarding other mitzvos one may only do **shevus d'shevus** (two layers of rabbinic), but regarding settling Eretz Yisrael they didn't decree on amira l'akum at all — even when the non-Jew does a **Torah prohibition** (like writing a deed). This is a greater leniency than regular shevus d'shevus.

B) There's a dispute whether the Rambam speaks only of when the non-Jew does rabbinic prohibitions, or even Torah. According to the simple reading in the Rambam, it appears that even Torah (like writing a deed) is permitted for the sake of settling Eretz Yisrael.

C) Syria (David's conquest) also has this law of Eretz Yisrael regarding this matter, although not regarding all matters. The Rambam brings: **"And similarly one who purchases a house in Syria"** — because Syria is an individual conquest of King David, and regarding certain halachos it has a status like Eretz Yisrael. The matter of settling Eretz Yisrael means that Jews should live there and not non-Jews.

Halacha: One Contracts with a Non-Jew for Work — Contracting

The Rambam's Words: "One contracts with a non-Jew for work and sets a price, and the non-Jew does it for

himself, even though he does it on Shabbos it's permitted."

Explanation: One may negotiate with a non-Jew for work and promise him payment, and the non-Jew works on his own account — even if he works on Shabbos it's permitted, because the non-Jew chooses when to work.

Insights:

The foundation: When the Jew hires the non-Jew as a **contractor** (pays for the project, not for the time), the non-Jew works "for himself" — for himself. The Jew only wants the result, not that the non-Jew should work on Shabbos.

Halacha: One Who Hires a Non-Jew for an Extended Time — A Year or Two

The Rambam's Words: "And similarly one who hires a non-Jew for many days is permitted, even though he does it on Shabbos. How so? Such as one who hired him for a year or two years to write for him or to weave for him, and it's permitted, and it's as if he contracted with him to write a book for him or to weave a garment for him, he hires however he wishes. And this is when he doesn't calculate with him day by day."

Explanation: If one hires a non-Jew for a long time (a year, two years) for writing or weaving, it's permitted even if he works on Shabbos — because it's "as if" contracting. But a condition: one may not calculate with him day by day.

Insights:

A) The great innovation: Even when the form of payment is not formally contracting (he doesn't pay for a specific project but for a time period), but since it's a **long period**, we view it **"as if he contracted with him"** — like contracting. The Rambam's language "as if" shows that it's not truly contracting, but we treat it as such.

B) "To write for him whatever he wishes" — the non-Jew doesn't have a specific book to write, but he's the Jew's scribe for the year, he writes what the Jew needs. This is an innovation — even without a clear single project, since it's a long time, it's "as if" contracting.

C) "And this is when he doesn't calculate with him day by day" — the condition is that one doesn't calculate each day. If

C) "And this is when he doesn't calculate with him day by day" — the condition is that one doesn't calculate each day. If one calculates daily, it means the non-Jew is obligated to work every day including Shabbos, and this is hiring (not contracting) and is forbidden.

D) Practical ramification: An employee with an annual salary, where one doesn't calculate each day, is "as if contracting" — the non-Jew can take off days, and the Jew isn't particular about which days he works, only about the result. There's a discussion whether "365 days a year" means he must work every day (then it's forbidden), or whether "a year" means generally that he should deliver work (then it's permitted). The simple understanding is that by "hiring for a year" the Jew isn't particular about specific days.

Halacha: In Private vs. In Public — Melacha Through a Non-Jew by Contracting

The Rambam's Words: "Therefore, one who contracts with a non-Jew to build his courtyard or his wall... if he does the melacha in the city (or within the Shabbos boundary) — it's forbidden to let him do it on Shabbos because of those who see, for they don't know that he contracted. And if he does it outside the boundary — it's permitted."

Explanation: Even by contracting, if the melacha is in the city (or within the Shabbos boundary) where Jews see, it's forbidden — because people know it's the Jew's house but don't know that he made a contract, and it looks like the non-Jew is working for the Jew on Shabbos. But outside the boundary, where no Jew goes on Shabbos, it's permitted.

Insights:

A) The distinction between within the boundary and outside the boundary: within the boundary Jews can see and be suspicious; outside the boundary no Jew goes on Shabbos (because one may not go outside the boundary), so no one sees.

B) Practical ramification: A factory in a non-Jewish area at the edge of the city — if no Jew goes there on Shabbos, it's like "outside the boundary" and is permitted. But in the city, where everyone knows it's the Jew's house, it's forbidden even by contracting.

C) The foundation of this prohibition is **because of those who see** (appearance of wrongdoing / suspicion / degradation of Shabbos) — people don't know that he made a contract, and it looks like the non-Jew is working for the Jew on Shabbos.

D) Practical discussion — landscaping at a Jewish house:

The main prohibition is not the reality of melacha at a Jewish house, but the **suspicion** that the non-Jew is a day laborer of the Jew. If everyone knew it's by contract, it would be easier. But even when the Jewish homeowner pays the contractor by contract, the contractor pays his workers **per hour** — there's a "agent for an agent" problem. The conclusion is that **practically one hasn't allowed non-Jews to work on Shabbos** at Jewish houses, and this is accepted in halacha.

E) Example of garbage collection: No one thinks that the sanitation worker works for the Jew — because it belongs to the city. This proves that the prohibition is only when people **can be suspicious** that the non-Jew works for the Jew.

Halacha: Renting Out a Vineyard/Field to a Non-Jew

The Rambam's Words: "And similarly it's permitted for a person to rent his vineyard to a non-Jew" — one may rent one's vineyard to a non-Jew, even if the non-Jew works on Shabbos, **"because the observer knows that it's rented in his hand"** — because the observer knows that it's rented. **"Or as a sharecropper"** — or the non-Jew works as a sharecropper (he takes a percentage of the produce).

But: "Regarding something where the Jew's name as owner is called upon it and it's not the custom of the people of that place to rent or to lease as sharecropping — it's forbidden to rent it to a non-Jew" — when it's known that this is the Jew's field, and there it's not customary to rent out fields, it's forbidden, **"because**

the non-Jew does melacha in that place on Shabbos and the Jew's name as owner is called."

Insights:

A) The distinction of "the custom of the people of the place": The leniency depends on **local custom**. If in that place renting/sharecropping of fields is a normal thing, the observer knows that the non-Jew works for himself. But if it's not the custom, people will think that the non-Jew is a worker of the Jew.

B) Question from the Maggid (Shulchan Aruch HaRav): In the same place where renting is the custom — why should contracting (sharecropping) be forbidden? If everyone knows that one rents out fields, why would Jews suspect that the non-Jew is a hired worker? **The answer:** By sharecropping, the non-Jew conducts himself like an owner — he eats the fruits, he takes care. But at a Jewish house (like landscaping), the worker still conducts himself **like a worker**, not like an owner, and people don't know the difference between a worker and a contractor.

C) Magen Avraham's opinion: Even by proper contracting, it's only permitted when the non-Jew does it **at his own home**. When it's done at the Jew's house, it's still forbidden because of **degradation of Shabbos** — "appearance to observers," "lest they suspect him."

Halacha: Lending Vessels to a Non-Jew

Rambam/Rema: It's permitted to lend or rent vessels to a non-Jew, even if the non-Jew does melacha with them on Shabbos, **because we are not commanded regarding the rest of vessels. But his animal and his servant — it's forbidden**, because we are **commanded regarding the rest of animals and servants**.

Insights:

This is the first time the Rema uses the concept **"rest of vessels"**, which he could have used earlier.

Halacha: Partnership with a Non-Jew — One Who Partners with a Non-Jew

The Rambam's Words: "One who partners with a non-Jew in work or in merchandise in a store — if they stipulated from the beginning that the Shabbos profit should be for the non-Jew alone and he should give him one day corresponding to Shabbos for the Jew alone — it's permitted."

Explanation: If one agreed from the beginning that Shabbos profits belong entirely to the non-Jew, and a second day (for example Sunday) belongs entirely to the Jew — it's permitted. Shabbos is truly the non-Jew's, the Jew has nothing from it.

Insights:

A) If one didn't agree beforehand: "When they come to divide — the non-Jew takes all the Shabbos profit alone, and the rest they divide" — the non-Jew takes the entire Shabbos profit, and the rest is divided. The Jew loses, because he doesn't receive any day instead of Shabbos. **"And he has no recourse except purchasing Shabbos"** — he has no choice but to "purchase" Shabbos.

B) Learning: When one agrees beforehand, the partnership is **nullified for Shabbos** — each one works for himself that day, therefore the Jew can receive a day back. But if one didn't

agree, the Jew's portion in Shabbos profits is **forbidden** because the non-Jew worked for him, and he cannot "buy back" a day.

C) "And similarly if they took a field in partnership" — the same law applies when they have a field as sharecroppers/renters in partnership.

Halacha: Partnership Without a Condition — "It Appears to Me"

The Rambam's Words: "If they didn't stipulate... it appears to me that the non-Jew should take alone a seventh of the profit" — the Rambam says "it appears to me" (my opinion), that the non-Jew should take **a seventh** of the entire profit (corresponding to Shabbos).

Insights:

The Rambam emphasizes that this is **his own opinion** — "it appears to me" — which means it's not a simple Gemara, but an innovation from the Rambam how to handle when one doesn't know which day's income is which.

Halacha: Giving Money to a Non-Jew to Invest

The Rambam's Words: "One who gives money to a non-Jew to invest, even though the non-Jew buys and sells on Shabbos, he takes his profit on Shabbos, and so ruled all the Geonim."

Explanation: When a Jew gives money to a non-Jew to invest and trade with it, even if the non-Jew trades on Shabbos, the Jew may take his profit.

Insights:

A) The reason is because it's not at all called in the Jew's name — the non-Jew does his thing, he's a "silent investor." It's not like the non-Jew works as an agent of the Jew, therefore there's no degradation of Shabbos.

B) Practical application: Stocks and investments where "his money makes money" on Shabbos — this is not a problem. Stocks can be a matter of ownership (he owns part of the company), but when we speak of melacha — buying and selling — this also is not a problem because the non-Jew does it for himself, not as an agent of the Jew.

Halacha: One Should Not Give Vessels to a Non-Jewish Craftsman on Erev Shabbos

The Rambam's Words: "One should not give vessels to a non-Jewish craftsman on erev Shabbos to make them, even by contract, unless they can reach from while it's still day until it gets dark."

Explanation: One may not give a non-Jewish worker vessels on erev Shabbos to repair, even by contract, unless the non-Jew can leave the Jew's house before Shabbos.

Insights:

A) The foundation of this prohibition is **suspicion/appearance of wrongdoing** — people shouldn't see a non-Jew leaving a Jewish house with work on Shabbos. Although the non-Jew may work (because it's contracting), the appearance is problematic.

B) The same applies to selling: even if the acquisition occurred before Shabbos, if the non-Jew remains in the house and leaves with the object on Shabbos, it looks like one sold it to

him on Shabbos. The Rema says: one shouldn't sell so that he shouldn't leave — he shouldn't leave with things on Shabbos.

C) Regarding borrowing (loan) and collateral: One may take collateral from a non-Jew, but returning collateral or giving a gift — only if the non-Jew leaves the house **before Shabbos**. Because if he leaves on Shabbos with an object, it looks like business on Shabbos. By borrowing there's no wrongdoing at all (no transgression), **it's only suspicion:** as long as he sits in your house — as long as the non-Jew is at the Jew's, no one knows when he gave it to him, and when he leaves with an object — it appears as if he lent it to him or made a transaction with him on Shabbos.

Halacha: One Who Gives a Letter to a Non-Jew to Deliver to Another City (Sending a Letter with a Non-Jew)

The Rambam's Words: "One who gives a letter to a non-Jew to deliver to another city — if he set his wage, it's permitted, even if he gives it to him on erev Shabbos as it gets dark."

Explanation: Sending a letter with a non-Jewish postman — if one agreed on a price (contracting), it's permitted even right before Shabbos, as long as the non-Jew leaves the Jew's house before Shabbos.

Insights:

A) Without setting a price: It depends whether there's a **regular person** — a specific postman who collects letters and sends them with messengers. If yes, one may, but **with a condition:** one must give the letter enough time before Shabbos that it could arrive **near the wall** of that city before Shabbos. The reason: perhaps the one who collects letters and sends them, his house is near the wall — we don't know where his house is, therefore there must be enough time for the farthest possible place (near the wall).

B) Without a regular person: If one sends with just any non-Jewish carrier, it's **forbidden to send a letter with a non-Jew ever**, unless one set a price (contracting).

C) Why does the regular person help? He's included in contracting by virtue of his job — his work is not paid per hour, but for the result of delivering the letter. It's his profession, therefore one doesn't need to specifically negotiate a price.

Halacha: A Non-Jew Who Brought His Objects to a Jew's House on Shabbos

The Rambam's Words: "A non-Jew who brought his objects on Shabbos and brings them into a Jew's house — it's permitted."

Explanation: When a non-Jew brings **his own** things into a Jewish house on Shabbos, it's permitted, even if the Jew tells him where to put it.

Insights:

The distinction: the entire prohibition of leaving/entering with things is only regarding **the Jew's things**. Regarding the **non-Jew's own things** there's no problem. One doesn't place stringencies on non-Jews — one isn't suspicious that it's the Jew's things.

Halacha: Giving Food to a Non-Jew on Shabbos

The Rambam's Words: "One gives him food, one gives him and he leaves — we are not responsible for him."

Explanation: One may give a non-Jew food on Shabbos, and if he carries it out, that's not our problem.

Insights:

A) Distinction between Shabbos and Yom Tov: On Yom Tov there's a concern that if one invites a non-Jew to a meal, one will cook for him (cooking). But on Shabbos one doesn't cook anyway (not even for a Jew), therefore there's no such concern.

B) Analogy of a dog: Like giving food before a dog in the courtyard — one may give food to a dog, and that it carries it out is not our problem. This is not shevitas behemto (rest of one's animal).

Halacha: One Who Was Coming on the Road and Shabbos Came Upon Him — Giving His Purse to a Non-Jew

The Rambam's Words: "One who was coming on the road and Shabbos came upon him and he had money with him — he gives his purse to a non-Jew to carry it, and on motzaei Shabbos he takes it from him, even though he didn't give him his wage, and even though he gave it to him after it got dark — it's permitted. Because a person is anxious about his money, and it's impossible that he won't go, and if you don't permit him — he'll come to bring it in his hand."

Explanation: Whoever is going on the road and Shabbos comes upon him suddenly, may give his purse of money to a non-Jew to carry, even without payment, even if it's already Shabbos. The reason: a person is anxious about his money.

Insights:

A) This is a **special leniency in amira l'nochri** — although one has never been permitted amira l'nochri, here the Sages permitted.

B) "To carry it" — apparently even in a public domain, which is a Torah prohibition of carrying out.

C) Even without payment — when he would pay, one can say it's contracting. Here we're speaking without payment — it's proper amira l'nochri, and nevertheless it's permitted.

D) The foundation: A person is anxious about his money — a person won't throw away his money, it's impossible. The Sages saw that there are only two options: either the non-Jew carries it (rabbinic prohibition of amira), or the Jew carries it himself (Torah prohibition of carrying out). Therefore they permitted the lesser prohibition (amira l'nochri) in order to avoid the more severe prohibition (carrying out by hand).

E) A question: The leniency is when the Jew is "emotionally connected" to his money — "in his purse," it's his purse. But what if a Jew just now received money (for example, a found object), that he's not yet connected to it? On this there isn't the same reason of "a person is anxious about his money," because he's not yet attached to it. On such money one could perhaps say he should leave it, or carry it less than four amos (which is perhaps not even a rabbinic prohibition).

Halacha: A Jew Who Did Melacha on Shabbos — Intentionally and Inadvertently

The Rambam's Words: "A Jew who did melacha on Shabbos — if intentionally, it's forbidden for him to benefit from that melacha forever, and for other Jews it's permitted to benefit from it motzaei Shabbos immediately. As it says 'and you shall guard the Shabbos for it is holy to you' — it is holy and its products are not holy."

Explanation: A Jew who did melacha on Shabbos intentionally — he himself may never benefit from it (penalty forever). But other Jews may benefit motzaei Shabbos immediately. The source is the verse "holy to you" — Shabbos itself is holy, but not the actions/products of Shabbos. Therefore the prohibition is only a penalty, not a law in the object.

Insights:

A) The distinction between a non-Jew's melacha (where we're concerned the Jew will tell him initially, therefore one needs to wait "the time it would take" or forbidden forever in public) — versus a Jew's melacha intentionally, where the penalty is stricter for the Shabbos desecrator himself (forever forbidden), but easier for others (motzaei Shabbos immediately).

B) By inadvertence — even the person himself may eat motzaei Shabbos. The penalty of "forever" is only by intentional. The reasoning is: by inadvertence it's not relevant that he'll do it intentionally, therefore there's no concern that requires a penalty.

C) "And similarly all such cases" — not only cooking, but all melachos.

Halacha: Fruits That Went Outside the Boundary and Returned

The Rambam's Words: "Fruits that went outside the boundary and returned — inadvertently they may be eaten, for no action was done to its body and it didn't change. Intentionally — one waits until motzaei Shabbos."

Explanation: Fruits that one carried outside the boundary and brought back — by inadvertence one may eat even on Shabbos itself, because the fruit didn't change at all (no physical change). By intentional one needs to wait until motzaei Shabbos.

Insights:

A) The distinction between carrying outside the boundary and cooking: by cooking there's a change in the object (the food is different than before), therefore there's a penalty even inadvertently (until motzaei Shabbos). But by fruits that were only in a different place — "no action was done to its body and it didn't change" — inadvertently is permitted even on Shabbos itself.

B) By intentional there's a penalty until motzaei Shabbos — the penalty is not about a law in the object, but a decree on the person.

Halacha: Wages of Shabbos — One Who Hires a Worker

The Rambam's Words: "One who hires a worker to guard his fruits... he should not give him his wage on Shabbos... and if it was his wage for a week or for a year — Shabbos is included, therefore he's responsible for Shabbos... and he shouldn't say to

him 'give me my wage for Shabbos' but he should say to him 'give me my wage for the year' or 'for the month.'"

Explanation: One may not pay a Jewish worker specifically for Shabbos work (wage of Shabbos). But if one hires him for a longer period (week, month, year), the Shabbos portion is "included" — mixed into the entire payment, and it's permitted.

Insights:

A) Ramification for Choshen Mishpat (paid guardian): If one may not pay wage of Shabbos, it means that on Shabbos the worker is not a paid guardian — he's an unpaid guardian or not a guardian at all. Therefore, if something happens to the cow on Shabbos, the employer cannot claim "you're a hired worker, you're liable for theft and loss."

B) "And he shouldn't say to him give me my wage for Shabbos": One side: it's a matter of "separation" — it's not fitting to speak of Shabbos money. Another side: it's not just a speech prohibition, but a practical instruction how the hiring should go — one should truly view it as payment for a whole year, not as payment for Shabbos. Even when it's true that he

pays also for Shabbos (included), still there's a matter that one shouldn't speak this way — so it shouldn't "appear" like wage of Shabbos.

C) [Digression: Rabbis, cantors, supervisors — wage of Shabbos:] The "frummet Jews" — rabbis, cantors — work mainly on Shabbos. How may one pay them? The answer: one pays them for the preparation before Shabbos — the rabbi prepares for questions and answers, the cantor prepares to pray. The singing/sermon on Shabbos itself is "included." If the rabbi doesn't prepare — there's a "great question" whether he may take money. The same applies to catering, camps, supervisors — they also work erev Shabbos, therefore it's included.

[Digression: "This and That Cause" — Beginning of the Last Section]

When something is not a "vessel" — not emotionally connected, not a reality that the person has — there's no claim of "this and that cause," and there's no concern that he'll stumble. According to other opinions (not the Rambam) the halacha is not entirely clear, and practically one should ask a rabbi.

Full Transcript

Rambam Laws of Shabbat Chapter 6 — Amira L'Akum (Instructing a Non-Jew)

Introduction to the Chapter

Speaker 1:

We are now going to learn Rambam, Laws of Shabbat, Book of Times, the sixth chapter, Chapter 6. The first few chapters the Rambam discusses general laws that are relevant to Shabbat. That is, before he goes into the 39 melachot (categories of forbidden labor) and explains each one, zera (planting), choresh (plowing), he says things that are relevant, that is for example such principles as principles of pikuach nefesh (saving a life) on Shabbat. This chapter will be principles of the prohibition called amira l'goy (instructing a non-Jew). What is amira l'goy? To tell a non-Jew to do a melacha (forbidden labor). And in this chapter will stand the principles of when one may not and when one may.

Before we begin this chapter, we need to thank the supporters. If there is no flour there is no Torah. In order that we should be able to learn and disseminate Torah and make these shiurim (lectures) substantial, one must invest money and energy. A tremendous thank you to our sponsor, a chassid, a philanthropist, supporter of Torah, our friend Rabbi Yoel Eliyahu, and from him may they learn and so may they do.

So, the Rambam says, yes? Wonderful. First let's learn the first section and have a little discussion about amira l'akum (instructing a non-Jew), and go into the detailed laws.

Halacha 1: The Foundation of Amira L'Akum

Speaker 1:

"It is forbidden to tell a non-Jew to do melacha for us on Shabbat." A Jew may not do any melacha on Shabbat. He will think, okay, a non-Jew doesn't have mitzvot, a non-Jew even has a prohibition to observe Shabbat, let him be told. The Rambam says, **"even though he is not commanded**

regarding Shabbat", even though the non-Jew is not commanded regarding Shabbat, we may not tell him.

The Rambam says, not only that, but **"even though he told him before Shabbat"**. Even if the Jew didn't tell him on Shabbat. This will mean that on Shabbat one may not tell a non-Jew. But even if he told him before Shabbat that he should do melachot on Shabbat, one also may not. And not only that, but **"and even though he doesn't need that melacha until after Shabbat"**. Even if he needs the work after Shabbat, he also may not tell the non-Jew on Shabbat that he should do the melacha. It's not permitted to tell a non-Jew on erev Shabbat (Shabbat eve) that he should do a melacha on Shabbat, or on Shabbat that he should do a melacha on motzaei Shabbat (after Shabbat).

The Rambam says, **"and this matter is forbidden by rabbinic decree"**, the prohibition is rabbinic. The prohibition is **"so that Shabbat should not be light in their eyes"**. So that Shabbat should not become easy for people, because he actually leaves it alone, first the non-Jew did it, and a Shabbat won't have the Shabbat-like form, on Shabbat one doesn't do any melachot, but one sees melachot being done, he tells the non-Jew, he does it, he himself also does. It's a rabbinic prohibition.

Dispute Among the Rishonim Regarding the Reason for the Prohibition of Amira L'Akum

Speaker 1:

There is still to discuss a bit, this is a dispute among the Rishonim (early authorities) what is the reason for the prohibition of amira l'akum. There are Rishonim who learn that it's a Torah prohibition, so learns the Yereim, I mean the Behag, it's a Torah prohibition, because so it is in the Gemara that it's derived from a verse. So if it's derived from a verse, so it can look like a Torah law. But the Rambam and other Rishonim learn no, that it's a rabbinic prohibition.

And what is actually the prohibition? Those who learn that it's a Torah law, they will perhaps say "lo yaaseh kol melacha" (no work shall be done), it's actually a Torah law. And then there are a few more, the Igrot Moshe (responsa of Rabbi Moshe Feinstein) in a few places brings that there are Rishonim who learn that it's a matter of agency, like, that not only may a Jew himself not do a melacha, but the non-Jew becomes like an agent, it becomes agency as a stringency. It's not so simple, the Chatam Sofer asks on this, how is it relevant? The entire prohibition of Shabbat is that a Jew should rest, on this there is no agency, it's like a matter that is in his body. But that is one reason.

The second reason that others say is that it's a prohibition, so says Rashi, a prohibition, it says in the verse "v'daber davar" (nor speaking of matters), one may not say something that will cause a melacha. But the Rambam doesn't accept either of these two things.

How the Rambam's Reason Fits with the Halacha

Speaker 1:

According to both of these things comes out the question, what happens if, if there is a prohibition as agency, one can understand that even if he tells him on erev Shabbat, in practice the melacha is done through agency. But if the prohibition is as "v'daber davar", what is the simple meaning why should "v'daber davar" be forbidden on erev Shabbat? They say, "v'daber davar" is a prohibition on Shabbat. So it means like this, according to the word agency it's apparently actually only forbidden if it's done on Shabbat, even if he told him on erev Shabbat. But to say that he should do something on motzaei Shabbat, there is no agency on that. If the reason is "v'daber davar", it's also only when one says it on Shabbat, there's no difference whether one says it about after Shabbat or about Shabbat, but the prohibition is the saying.

But the Rambam with his approach says no, that it's a rabbinic prohibition. Sofrim (scribes), one doesn't make agency as a stringency, not v'daber davar. A rabbinic prohibition, from the words of the scribes, that Shabbat should look then should not bring disrespect to Shabbat. Therefore there's no question, it's forbidden whether one tells before Shabbat, because then the prohibition is because the melacha is done on Shabbat, whether when one speaks about doing melachot and one tells the non-Jews about doing melachot, it's still Shabbat is light for someone who is now occupied with melachot. So it's forbidden by rabbinic decree so that Shabbat should not be light in his eyes.

I'm saying that both actions that I say before Shabbat and after Shabbat fit very well with his reason for the prohibition. Because according to the other reasons for the prohibition it becomes very difficult why it becomes forbidden before or after Shabbat.

Speaker 2:

Yes, but there really isn't anyone who holds differently than the halachot, right?

Speaker 1:

True, the halacha is certainly so. But I'm saying, according to the Rambam the reason fits very nicely. It's a reason that fits, the halacha with the reason for the prohibition fit very well. The other reasons it's difficult to reconcile the prohibition with the details of the mitzvah, with the details of the prohibition.

Speaker 2:

Presumably there are...

Speaker 1:

Ah, everything has pilpulim (dialectical discussions), but yes, I'm just saying on the surface. Very good. Agreed?

Discussion: Telling a Jew on Motzaei Shabbat

Speaker 2:

Yes, I just want to make clear that I'm right, right? That is, it's clear that one may not tell on erev Shabbat, it doesn't help to tell on erev Shabbat. And it's also clear that one may not say on Shabbat to do a melacha on motzaei Shabbat, to tell a non-Jew. True? Even to a Jew one may not. That is true. Another thing.

Speaker 1:

Ah, you mean to tell a Jew to do on motzaei Shabbat, to order?

Speaker 2:

Yes, soon will come the law in such a thing here or later. Perhaps to tell a Jew is with a different prohibition.

Speaker 1:

Okay, one needs to see.

Speaker 2:

That what?

Speaker 1:

I don't know, one needs to think. Perhaps v'daber davar without the "so that Shabbat should not be light in his eyes." What is the thing? You mean that what you can't do you should tell a non-Jew to do. Therefore Shabbat is already not so different. One wants that Shabbat should be very different from the weekdays, that there should not be any melachot that should be done. A Jew to a Jew, perhaps there is an extra prohibition of v'daber davar. I mean the Rambam says it more later.

Speaker 2:

Okay. The next halacha the Rambam says like this: It's forbidden...

Innovation: The Prohibition is Not on the Form of the Statement

Speaker 1:

What did I say on the surface? Let's say something. It also comes out according to the Rambam, apparently, that everyone knows something of the leniency, that something is a clear leniency. It comes out from this Rambam that the prohibition is why? So that there shouldn't be a Shabbat dripping with melachot. It's a Shabbat dripping with melachot that you should do it yourself. So according to this there's no difference whether you tell him in writing, whether you tell him with a hint, whether you tell him with gematria, it doesn't matter. The prohibition is not the form of the statement, the prohibition is making a non-Jew do melacha for you. If the word is "daber davar", one can see a difference whether one says it or doesn't say it. But if the word is because the non-Jew does for you and he doesn't do it on his own, but you told him, then there is any way of telling.

So, yes. Okay. Further.

Halacha 2: A Non-Jew Who Did Melacha on His Own — The Law of Benefit

No Leniency on Torah-Level Melacha

Speaker 1:

What happens if the non-Jew did indeed do a melacha? Okay, let's begin like this. Now one can learn another thing. That which one may not tell a non-Jew, the Rambam doesn't have for this any leniency, but a shevut (rabbinic prohibition) one can soon see. But on a Torah law, the Rambam has said when one may. On a Torah law there isn't a single leniency in the entire Rambam to tell a non-Jew to do a melacha. I haven't seen. It's not in this chapter. If you've seen, tell me I haven't found until now a way that one should be able to tell a non-Jew to do a melacha. Apparently not. Only a rabbinic law may one tell a non-Jew. Yes. It will be called shevut d'shevut (a rabbinic decree upon a rabbinic decree).

Speaker 2:

Right. We've already seen this earlier too, that for example by medicine for the need of a sick person who is not in danger, also there the Rambam said, there yes the Rambam said that one may tell a non-Jew to do a Torah-level melacha, true? A sick person who is not in danger. A sick person who is not in danger. It says in the Rambam explicitly. There, a sick person who is not in danger, one does all his needs through a non-Jew, including a melacha. A shevut a Jew himself may do. So there is indeed a leniency for a sick person who is not in danger, for example, to tell a non-Jew. It's not stated in this chapter, it's stated in the previous chapter, by the laws of a sick person, Chapter 2. But aside from that there is only a leniency on shevut. So it comes out in this chapter.

The Prohibition of Benefit When the Non-Jew Did It on His Own

Speaker 1:

And what we can now learn is not telling. When he didn't tell, it's a new, you can say it's not even an act at all, there wasn't any prohibition at all. Didn't tell for anything, someone told him, there's still a giving by the in halacha in halacha below. But first one learns, first one learns, a non-Jew who did a melacha for a Jew may the Jew benefit from it, if he didn't tell. Just! No, the word will also, because... Okay, just a summary of the problem, yes, but if he didn't tell. That is the main word here is, that we see here, that even if a non-Jew does a melacha himself for a Jew, the Jew didn't tell him, it's also a prohibition. A prohibition of benefit not... A prohibition of benefit and not the telling. The prohibition is the benefit, it's not the prohibition. That it will be done from that melacha, according to the reasons of the names one can hear why. Here is a prohibition of telling the general rule by him, even without his telling. There is no prohibition to tell, he is separate from that, tomorrow he will tell him, and he himself does meanwhile. Yes, one can't say forbidden the non-Jew I don't have any in shevut. One can only say about the Jew, that he may not. He may not use this thing. The Jew is only relevant by the act, because the prohibition is on the non-Jew, and the Jew doesn't do any action.

A lot that one can say, the Rambam says like this, **a non-Jew who did melacha on his own on Shabbat**. The Jew didn't tell him, a Jew follows the previous halacha, but the non-Jew does it himself. So like this, **if he did it for the sake of a Jew**, if he did the melacha for a Jew, **it is forbidden to benefit from that melacha until motzaei Shabbat**, the Jew may not have benefit from the melacha until motzaei Shabbat, until motzaei Shabbat, and on motzaei Shabbat **one must wait the time it takes to do it**, also when it comes and he must wait with the time it takes, as long as it takes for

the melacha to be done, so that he shouldn't have benefit from what was done on Shabbat. I or you from it a penalty. Not the penalty, we just spoke about. It's all part of the same decree of amira l'nachri (instructing a non-Jew), that melachot shouldn't be done for a Jew. A Jew shouldn't use non-Jews' melachot on Shabbat. It's another level, not aside from telling, also not using.

The Law of Publicly

Speaker 1:

It stands itself why. **And this**, the halacha that then one will indeed be able to benefit from it on motzaei Shabbat, is only **that the matter should not be public**. The non-Jew certainly may not, the Jew may not allow, in any case, the thing may not happen publicly the melacha, **until it becomes known publicly that this thing was done for so-and-so on Shabbat**.

If everyone knows - soon we will see the Gemaras - if it's a thing that everyone knows, the building the non-Jew built for a Jew on Shabbat, the Jew may never live in the building, never have benefit from the action, even not after the time it takes to do it, because this is an even greater disrespect to Shabbat.

But if for himself alone, if a non-Jew does something for himself alone and the Jew just wants to benefit from it, food, that is permitted to benefit from it on Shabbat. The prohibition of benefit is when he makes something for the Jew.

Now the Rambam will bring the Gemaras, look here. **A non-Jew who lit a candle, a Jew may use its light**. A Jew may benefit from the light, because he lit it, presumably we say that he lit it for himself.

Not presumably, the language is not presumably. The non-Jew lit a candle for himself. It doesn't say that the Jew lit a candle for himself. It says "a non-Jew who lit the candle". I say a presumably, when he doesn't say, when we don't know that he lit it for a Jew, then one may.

But **if for the sake of a Jew**, if one knows that he lit it in his house, by him in his thing...

Speaker 2:

That's what I also said. "A non-Jew who lit the candle", it doesn't say "for himself". If for the sake of a Jew is only when one knows clearly that it's for the sake of a Jew.

Speaker 1:

No, you're now innovating a new leniency that's not stated here. So says the Rambam. The Rambam innovates the leniency. "A non-Jew who lit the candle", a non-Jew lit a candle, a Jew may benefit from it, food, **if it is for himself**. **If for the sake of a Jew**, then it's forbidden.

But he didn't say "if for himself".

Speaker 2:

You put back, if for himself, you put back even not for himself, we just don't know. Soon we will see the halachot, we just don't know.

Speaker 1:

That's what I said. That when he lights a candle, as long as we don't know that he lit it for a Jew...

The same thing, not to presume it, **he lit a candle for him from when is it permitted to benefit from it? From**

when the splinter with which he lit it is consumed.

When the non-Jew lights a candle, from when may one benefit from it? From when he extinguished the match with which he lit it.

Halacha 3: A Gangplank to Descend from the Ship, Drew Water, Picked Grass**Speaker 1:**

But the Rama says, **and the same law applies to any melacha that the non-Jew does for himself, it is permitted for a Jew to benefit from it.** The same thing, not just, he lit a candle for him, he lit a candle, one sees that it's Tinkler, he lit a candle. What is the question?

Do you understand what I'm saying? He doesn't know the Jew at all, he didn't know the Jew at all, that's a problem. When one sees something, one soon sees innovations, and one soon sees innovations.

I learned off the Rama, that when a non-Jew lights a candle to read something, which you have a custom to do so, but if a non-Jew lights for a Jew, one may not. You took a thing, you turned it back a line, you invented from the leniency that our rabbis did not rule, that you make a distinction and a new leniency that doesn't even make sense. It doesn't go like that, one doesn't learn like that.

Nu nu, so, he brings another example. They arrived with a ship, and they need to make a ramp to go down, make a kevesh (ramp) to go down from the ship. **Asa kevesh lered bo min hasfina**, the non-Jew made a ramp to go down from the ship, may the Jew, after he also arrived with the same ship, may he also go down with it. Why? Because we say he made it for himself, he made it to go down, lered. But **vehu shelo yada she'asa bishvil Yisrael**, if he knows that he made it for the Jew, then it is forbidden.

Another example: **He filled water lehashkot behemto**, to give to drink for his animal, and the Jew also has an animal, **mashkeh achar Yisrael**, may the Jew give to drink for the animal from the same. The same thing, **liket ashavim leha'achil livhemto**, he picked grass for his animal, also may the Yisrael let his animal eat from it.

Rema: Shelo Yehei HaGoy Makir Et Yisrael – The Distinction of "Makiro"**Speaker 1:**

But says the Rema, **vehu shelo yehei hagoy makir lo et Yisrael**, this is only when the non-Jew doesn't know the Jew, because then we say that when he filled water, the Jew may also take. But if he knows the Jew, then one may not. Why? Because **we are afraid shema yarbeh bimlechto bishvilo**. Then we are afraid that even though he only filled water for his animal, but since he knows the Jew, he takes more water, he does more melachot. **Shema yarbeh bimlechto bishvilo**, he does more melachot, he picks more grass, or so on. **Venimtza** it comes out **that he is doing bishvil Yisrael**, that he will indeed do, then it comes out that a part of the melacha he does bishvil Yisrael, so it is forbidden.

Vechen, says the Rema, **kol davar she'efshar lehavot bo**, every thing where it's possible to increase, that means for example, not one candle, but when he lights several candles, it could be that the last few candles were for the Jew. Or when the non-Jew goes for the grass, because grass or water you can make more.

For example, a kevesh and a ner is not relevant to more, because ner le'echad ner leme'ah. And the water for the kevesh, it's the same kevesh, everyone goes on it anyway. I can't make more. He's going to say it clearly, the Rambam is going to say it in the next piece.

Halacha 4: Davar She'ein Bo Leharvot – Ner VeKevesh**Speaker 1:**

In such a case there is something perhaps a mixture of non-Jew. But this I already said, one says, except for an example where you could think that the non-Jew does more, **lo yehaneh bah beShabbat**, and he is not makiro. If he doesn't know him, then don't think that the non-Jew makes it for a Jew he doesn't know. But a Jew does a favor for a Jew he doesn't know. A non-Jew, he should only do for his own interest. If he knows him, he has a calculation. So if he knows him, he may not, because then he must be concerned that he does more.

It's not only when we know that he does more, but even for example he filled the one... he brought one large bowl of water. So the concern is that... what is a davar she'efshar... perhaps... he can bring you a larger one, and he can bring you a smaller one. So it could be, here is a chumra, right? We know that he knows you, and you don't know if he said to bring for you. You see that he brings for his own? Still we are concerned that he brought more for you.

Ah, because here there is one thing that many are in practice, which is not relevant to any increase of people, like a candle, he lit one candle, or he made the kevesh, it's one ramp that he made. Since it's what he made for himself, **nehenin acharav Yisrael beShabbat**, may a Jew have benefit from it, even if the non-Jew knows him, when I have it but done for himself. Very good.

Ner BeMesiba: Rov Yisrael / Rov Goyim**Speaker 1:**

Let's say what is if it's a large party, we have a mixture of Jews and non-Jews. How many Jews and non-Jews exactly? So still it's clear, when the Rambam said we eat from it, what he meant to say. We eat from it, also means, when we don't know?! And it's clear!, if it's not clear to us, okay, here is a different situation.

It is Yisrael forbidden leshatemesh le'ora, because we say that the madlik, the non-Jew who lights, **al da'at harov**, whoever lights lights for the majority who will use it. Because he goes after the majority. If it is **rov Yisrael**, he lights simply for the Jews. And if it is **rov goyim**, if there is a majority of non-Jews, **mutar lehishtamesh le'ora**, he may light le'ora.

It's actually there apparently in a case when there is one candle. If one prepares on each table candles, then on this table he made for Jews.

Speaker 2:

Yes, one ner. Ner hadolek. Yes.

Speaker 1:

Mechetzah lemechetzah, if there is a mechetzah al mechetzah, then he has in mind the Jews just as the non-Jews, he has in mind both, or we don't know whom he has in mind, then it is forbidden.

Speaker 2:

Yes, good, it's a safek, not clear what is the meaning of mechetzah al mechetzah. He thought of both.

Speaker 1:

Ah, so you say. Okay. **Madlik al da'at harov**, and so, this is the actual... then it is forbidden.

Halacha 6: Nafla Delika BeShabbat – Goy SheBa Lechabot**Speaker 1:**

Another halacha. Yes. **Nafla delika beShabbat**. A halacha about a delika. There fell a... a fire was lit. There is, yesterday we learned here the language "nafla delika", a fire fell. I mean that a piece fell from the fire and it started to catch fire.

Speaker 2:

Yes, a fire, as long as we hold it in control, yes, there is a candle, it lies in that. It falls out from there, then it already falls from heaven.

Speaker 1:

Ah, I don't mean. "Nafla delika" is a language, I don't know actually why it's called. It became made, because it's not a thing that... not simple that someone lit it. I mean, it could be that someone lit it, but it means "nefila", it's an accident, right? It happened somehow.

So. **Uva nochri lechabot**, and the non-Jew comes to extinguish. This is even permitted, he comes indeed for you, right? He's going to extinguish the fire. So, he does it indeed for the benefit of the Jew. So, so, so, it becomes a different halacha. We don't say that he may not extinguish it, or a Jew may not have benefit from the extinguishing. But "**ein omrim lo**", the Jew does nothing. One may not tell him "extinguish", that is amira le'akum still here.

But the part of amira le'akum that even if the non-Jew does it on his own, if he does it for the Jew one may not, that is not here. He doesn't need to tell him "don't extinguish". He doesn't have shevitav avdo on his own. We don't have the obligation that he should be shabbat. On the contrary, a non-Jew doesn't need to be shabbat.

The entire prohibition is only "shelo tehei Shabbat kala be'ainav". By letting him extinguish a fire, that doesn't make Shabbat kala be'ainav. And even danger is indeed a rare thing that happens. The more basics, one says never what one must say to a non-Jew "al techabe", he may not benefit from it.

True, he may not benefit from it, but will the Jew say "don't do", because he's going to benefit from it? The non-Jew does the Jew harm, he's going to do him a misfortune, he's going to do him damage. Must one never, there is never such a halacha. Certainly, it's useless, it's not right. If he is a friend he will tell him, but he doesn't have to say. There is no such halacha.

Discussion: Why May the Jew Have Benefit from Kibui Delika?**Speaker 1:**

Now, here there remains a question, one must answer not the question, why may the Jew apparently have benefit from the extinguishing of the fire? We learned that a non-Jew who does for a Jew he may not have benefit, even in doubt, even in makiro.

To this one must say an answer, I mean a lomdishe answer, and one finds in others, an answer that it's not called benefit. Benefit means when he did something, now he prevented a loss. It's not called benefit from ma'aseh Shabbat when he only prevented a loss for the Jew.

According to this one can apply to other things, not only a fire that you say is a danger. Any way that the non-Jew only does a melacha that is a prevention of loss, doesn't mean benefit from ma'aseh Shabbat, it's only like mavriach ari. One can hear so. It's not simple that he now built a kitchen, and so around the kitchen would have been destroyed when the fire would have burned it. But this means only like mavriach ari.

But I thought that the reason is more simple, because as the Rema says, if it would have been Jews themselves one would have had to stop him. But that's not the point. The point is only about zilzul in Shabbat. And one extinguishes a thing that is a danger, a thing that is very important, is not zilzul in Shabbat, because one understands why a non-Jew extinguishes that, because it's a saving from danger. When a non-Jew works it's a matter of zilzul in Shabbat.

So if you like, means that next time the Jew himself will extinguish a fire. But it's not simple that because the non-Jew does now the melacha the Jew will do the melacha. Because one does melachot on Shabbat the Jew will also do melachot on Shabbat. That's not a matter like when one extinguishes a fire Shabbat is kala be'ainav. I have here a danger, I have here a problem.

Halacha 5: Meit She'asu Lo Goyim Aron VeKever BeShabbat**Reading the Language of the Rambam****Speaker 1:**

Says the Rambam further: **Meit she'asu lo goyim aron**, a meit died, and the non-Jews started building a coffin and digging a grave on Shabbat, this is boneh and chofer, choresh, whatever. **O hevi'u lo**, they brought with presumably four amot in reshut harabim, **chalilim lispod bo**, once upon a time at a funeral they used to make music, not only at a wedding. They brought flutes to blow music, they made a hesped with brought with musical instruments, with instruments. A death happened, and the non-Jew quickly started doing these things.

So, what may one have benefit from this? These things anyway are not relevant to Shabbat, these things anyway one buries, one deals with a meit on Shabbat. But motzaei Shabbat now becomes the question whether one may have benefit from this.

So, **im betzin'a**, if the non-Jew did this in private, then the halacha is as we learned earlier, that one may not have benefit from it until motzaei Shabbat, and motzaei Shabbat one must wait kedei she'ya'asu. You wait kedei she'ya'asu after motzaei Shabbat, so you don't have benefit from what happened on Shabbat, because you must anyway still wait the few hours that it took, and after that **yikaver**, one may bury him.

Din Parheseya – Extra Stringency

But there is actually here doesn't come to a kula, here only comes to a chumra. As was said a grave in a large public area, it's earlier, but the principle of publicity the Rambam already also said essentially. Apparently this is only the example of that principle.

But if the grave was be'istratya, if the grave is however on a large thoroughfare, **o aron al gabah**, when the coffin lies there, **vechol ha'ovrim**, all who pass by, **omrim shezo she'osin achshav beShabbat lifloni**, they see what is being worked now on Shabbat, for so-and-so, it's for the deceased. **Istratya gedola** means a large highway, yes? **Istratya** is a market, an open place where people move around, not an

open field, it's a place where people move around there. This is a Roman word for a highway or something like that.

So **harei zeh lo yikaver bo oto Yisrael le'olam**, then the Jew may not be buried in that grave, **mipnei shehu befarhesya**, because this is befarhesya, and befarhesya there is a greater stringency than "yamtin mimotzaei Shabbat", one may not have benefit from it at all.

Question: Why "Lifloni" – The Meit is Exempt from Mitzvot

What is very interesting to me, because the meit is exempt from mitzvot, yes? "Lametim chofshi". He says "lifloni hu". I can understand, he means to say for the honor of the family, "yikra dechayei", and they are the ones who will now prepare another grave. But the word "lifloni" is a bit interesting, because it's not the point, because he does a melacha for the meit, and the meit is already exempt from kol haTorah kulah, he may already be called, he may already be mechalel Shabbat for the Jews. "Lifloni" is a bit of an interesting word here.

Din Yisrael Acher – Permitted to Bury In It

Very good, but permitted, you see it clearly. "**Aval mutar likvor bo Yisrael acher**", another Jew one may indeed bury.

Speaker 2:

No, here it fits further, because it's for the family.

Speaker 1:

I say, there is in the Gemara the question, "Rav Chisda", he doesn't know the finding is strict for the relatives and the family.

He reads further, here was had with the topic. It fits very well with the topic of our general Shabbat. It can't be that everyone goes to the grave, knows the grave? The non-Jews made it for Jews on Shabbat, for the Jew on Shabbat, for the grave. For a second one, there was already ready a grave, it was used. That means, he didn't make it for him, he didn't make it for him.

"**Mutar likvor bo Yisrael acher**", another Jew one may indeed, once the time of "kedei she'ya'asu" has passed.

Question of the Ra'avad: Why Must a Second Jew Wait Kedei She'ya'asu?

Yes, the Ra'avad perhaps disagreed, he didn't understand why one needs "kedei she'ya'asu" for the second Jew, because the second Jew had no benefit from this at all.

Okay, the Ra'avad says, he doesn't understand, not everyone agrees on why. He says that the Ra'avad explains the reason later, why one must wait, why shouldn't he agree that the Jew did a sin God forbid, and he will immediately motzaei Shabbat have benefit. The Ra'avad argues, according to this, what is relevant for other Jews, should one say the stringency? It doesn't make any sense for the Jew who did it himself.

Answer: A Rabbinic Fine of "Lo Plug"

It could be that the Rambam learns something like this, a fine of "lo plug". Once the fine was made, it's in general, for every Jew one may not have benefit from a melacha of Shabbat. Yes, I don't know. No, I would understand the Rambam something like this. The heter, the prohibition of "natan kedei she'ya'asu", that remains. In total the extra stringency of publicity is only here for this Jew. So it comes with the rabbis, but the Rav has a good argument in practice.

Speaker 2:

Yes, but there is a ruling there, could be that it's according to you, I don't know, perhaps there is a ruling, I just want to

understand.

Speaker 1:

Says the Rav, "**vechen kol kayotze bazeh**", says the Rav, one learns that any thing of publicity, so here he learns a halacha of publicity. This was stated earlier, that publicity means if it is known publicly that the non-Jew did for a certain Jew, that Jew may never have benefit from it. A second Jew may however indeed have benefit kedei she'ya'asu.

I mean that he grasps here the example, he wants to show even a thing that is a great need, because later he's going to say when one may indeed, even a great need, a meit, I don't know what, it's not an answer.

From this it's made. From this it's made. Could be that the reason why one brings the Gemaras on this is because there are halachot regarding meit on Yom Tov, Yom Tov sheni. So one already made a sugya of what one may indeed and what one may not. Perhaps someone thought that perhaps one may also be lenient on Shabbat.

Speaker 2:

Yes, it's an emergency so to speak that happened. Usually that's why one does on Shabbat a war.

Halacha 6: Goy SheHevi Chalilim BeShabbat LeMeit

Reading the Language of the Rambam

Speaker 1:

Yes. He says further, "**Goy shehevi chalilim beShabbat lemeit**", a non-Jew who indeed brought flutes, instruments, on Shabbat for a meit, "**af al pi shehevi'am mitzad hachoma**", he brought it, he didn't go through reshut harabim, he brought it from the same city.

Speaker 2:

Right, it's not chutz letchum or reshut harabim, both apparently.

Speaker 1:

So still, "**yamtin bemotzaei Shabbat**", he should wait motzaei Shabbat, "**kedei sheyavo'u mimakom karov**". When you weren't seen at night, it's interesting. We're talking if the Jew died on Shabbat morning. It's a bit of an interesting halacha.

Speaker 2:

Perhaps "balayla" doesn't mean specifically at night. Perhaps it means when you weren't noticed, they indeed brought it from far away.

Explanation: One Cannot Rely on the Non-Jew

Speaker 1:

Translation

Basically he says you can't rely on it. The thing is, they say that when a non-Jew brings something, you can't now think, whether the non-Jew wasn't violating Shabbos, whether there's a place to say that the non-Jew brought it bit by bit, perhaps he brought it halfway and then he brought it halfway. Perhaps one can't ask the non-Jew, perhaps he has no credibility on this.

Speaker 2:

It seems here that perhaps we also have a law of mechtzah al mechtzah, according to what you're saying, that if there's a doubt, we make it forbidden for the non-Jew as well. This is a

rabbinical doubt, this is divrei sofrim. Can we extract a complete stringency?

Speaker 1:

This is the concept of a fine (knas), this is a rabbinical fine.

Speaker 2:

And not that every time there should be a doubt with bathing infants, and perhaps then the non-Jew won't know, they'll figure it out and outsmart the system.

Speaker 1:

But listen, it seems here also that we can't, the non-Jew has no credibility on this, we can't ask the non-Jew whether he brought it from outside the techum. If there's certainty, if there's certainty that a certain place indeed brought it from there, and then it's enough that we wait until kedei she'ya'asu, until it can be brought from a nearby place.

The Law of Publicity Also by Flutes

But "**provided that the matter not be in great publicity, as it was when he would place an elephant**". Even the bringing from near the wall also may not be in public. What's the meaning of this? If I'm not concerned about violating Shabbos, what does the publicity matter to me? It seems that this is zilzul haShabbos (denigration of Shabbos) itself, that a non-Jew brings, people should think that he brought it from outside the wall.

Speaker 2:

No, in great publicity means even in a manner of doubt? No, in great publicity means even if he brings it from a nearby place. Yes, he goes up on the...

Discussion: May One Use the Flutes for the Person?

Here there's always a connection. I mean, will one never have to... By the grave I understand, one may not use the grave, but he only brought a flute. Will one never use the flute for the person? Must one wait for a second flute? Not certain, perhaps then it's always yimtein ad sheyavo mimakom karov.

Speaker 1:

No, he says "kemo sheha'ya maniach", meaning he goes up on the grave.

Speaker 2:

Yes, but I'm asking you whether by a flute there's also a law.

Speaker 1:

If the public isn't involved, he didn't make the flute.

Speaker 2:

But in practice you have benefit from his work.

Speaker 1:

Therefore he says, only bring another one, or carry it back and bring it back. I don't know, it seems so. So he says "kemo sheha'ya maniach".

So he says "kemo sheha'ya maniach", that he said the law that in public then... I don't know what he says. I have another difficulty, I don't have... The techum wasn't given a Pesach Sheni in the Gemara he says, we'll soon see also that this is an error. And one shall not testify against his fellow in great publicity.

Speaker 2:

What's the difference? It's according to the law. It's the same thing as publicity, yes. It's just a different version. Yes.

Speaker 1:

Interesting.

Review of Fire - Discussion of Zilzul Shabbos

Discussion: Is There Zilzul Shabbos When a Non-Jew Extinguishes a Fire?

Speaker 2:

When a non-Jew works, is it a matter of denigration of Shabbos.

When the Jew thinks that next time he'll go extinguish a fire himself, then there's no zilzul in extinguishing a fire. But it's not simple that because the non-Jew does the melacha now, the Jew will do the melacha. Because melachos are done on Shabbos, the Jew will also do melachos on Shabbos. But it's not a concept that when one extinguishes a fire, Shabbos is light in his eyes. It's a danger, I have a problem here.

Speaker 1:

One minute, one minute, let me say my understanding, and then you'll say what you hold differently. I mean, in such a case we don't say that it shows a denigration of Shabbos. I have here some emergency, the non-Jew comes running to extinguish, because that's the instinct of a person. It doesn't show any denigration of Shabbos that the non-Jew works for a Jew. That's my understanding. Do you have something to add, friend?

Speaker 2:

Yes, I have to add that it's not correct what you're saying. If it's a danger, if it's a danger, a Jew would be allowed to extinguish. If it's not a danger, a danger is something that's a destruction, it causes damage. So then, again, let's be clear, here the danger we'll learn later. But here there's something that a Jew may not do, he may not do it. A Jew may not extinguish the fire on Shabbos, and not because there's a danger may the Jew himself do it, right? There's a fire that the Jew may. We'll learn later certain leniencies that the rabbis allow to do by the fire, but this has no connection to what the non-Jew does. He may not do it.

Definition of "Zilzul Shabbos" - "Lavo La'asukei Da'atei"

So I don't see why there shouldn't be any... Zilzul of Shabbos doesn't mean that people say that Shabbos isn't Shabbos-like, that's not the meaning. Zilzul of Shabbos isn't a translation of "kal be'ainav", it means "lavo la'asukei da'atei", as it says in the Rambam, that he'll go do it himself, and you may not do it yourself, so it's the same thing.

So consequently, either there's the technical leniency that certain Rishonim say, certain commentators say that it's a true leniency on all melachos, and one never needs to say. The simple understanding is what they argue about the Mechaber. But we haven't learned anywhere that the Jew must protest, must tell the non-Jews they shouldn't do it. And you only have a prohibition of benefit, and that means not having benefit. And according to this it's true on every law which is menuchas haguf. There are others who argue that there is indeed a special understanding, the rabbis permitted having benefit, not because of your reasoning, because it's not a zilzul to use the reasoning. Rather simply the rabbis, when there's a matter of great loss, like, the rabbis permitted. So the error is the rabbis the benefit, they need to be good Jews and permit it. I brought another third very nice reason that fits very well into the Rambam.

Summary: Shabbos Must Look Like Shabbos

Speaker 1:

In any case, a great concept that it should look, Shabbos must look Shabbos-like. Don't do anything at all. Everyone should know, we observe Shabbos for the Jews, we do Shabbos for the Jews, we don't do. We know, we must wait, we can't go.

Law 7: A City Where Jews and Non-Jews Live - A Bathhouse That Bathes on Shabbos

Speaker 1:

We'll soon see also that there's an answer why there are different versions. Okay. Another version is "and it should be known in great publicity". What's the difference? Do you have it? It's the same thing as publicity, yes. It's just a different version.

In any case, it's a great concept that it should look. Shabbos must look Shabbos-like. Don't do that non-Jews... Everyone should know, we observe Shabbos for the Jews, we do Shabbos for the Jews, we don't do. If it was, we know, one must wait, one never has any shortcut. It's a very great thing.

Let's bring another law of amira le'akum, what happens when there's a doubt. He says like this, "**A city where Jews and non-Jews live nearby, and there's a bathhouse that bathes on Shabbos**". Here there's a bathhouse that's open. It's a non-Jewish bathhouse, right? A non-Jewish bathhouse is open on Shabbos. So it's interesting, because the word that it's open on Shabbos isn't important here. The question is, even if it's only on motzaei Shabbos, when it's heated. Ah, that's the word. Simply, that's what it means. We know that it's already warm, that it's at the right temperature. This isn't really a law of doubt, it's exactly the same law from the Mishna. It says that we know clearly, the bathhouse owner makes it for the city. It's not a doubt. The question is only what the city is. He's a non-Jew, he may. But the question is for whom does he make it. If the bathhouse is active, that means the person heats on Shabbos, the word is that one goes there on Shabbos, because we know that work is done there on Shabbos. So "**if the majority are non-Jews, it's permitted to bathe in it on motzaei Shabbos immediately**". If the majority of the city are non-Jews, we say that the non-Jew prepared the bathhouse for whom? For the non-Jews. For himself, as he said there, "oseh melacha bishvil atzmo", for the non-Jews. "**And if the majority are Jews**", we say that he does it for the majority, consequently he makes it for the Jews, one must wait. One must wait as long as it takes to heat it, "shi'ur sheyachmu".

Speaker 2:

It's interesting, because here it seems specifically that it's not open on Shabbos, because if it's open on Shabbos he did it for the people who are there then. Why would one need to do more work for those who will come later?

Speaker 1:

Yes, presumably, presumably that's the point. It's one big heating, it stays until motzaei Shabbos, or something like that.

Speaker 2:

No, he did it presumably for those who come all day, because Jews don't come on Shabbos. So why should I say that he thinks about at night?

Speaker 1:

He also thinks about at night, why not? Why shouldn't he be able to? A whole village he has to put in another house, another violation of Shabbos for the mother. Kedei sheyichyeh, he makes it indeed then then, one doesn't need to wait. Mechtzah lemechtzah, is like the law before, also on the day of Shabbos, one must wait, because then it also becomes so. Kedei sheyichyeh, kedei sheyichyeh.

Discussion: Practical Ramifications - Bus Services and a City with a Jewish Majority

Speaker 2:

So for example there's a Jewish city, an ir sherubo Yisrael, which has for example a bus station or a taxi. A bus station, one may not use the bus right after motzaei Shabbos, even if it's a non-Jewish bus, until it's already kedei she'ya'asu, the bus should come from where it comes, etc.

Speaker 1:

You're saying a good thing, a great question, for example any services in a large Jewish city, that means the water company works for the Jews, the electric, everything works for the Jews. Let's think, presumably, I'm sure it's just an error, I can't say, do you want to talk about things, generators, we don't know any Jewish city where the electric company is much bigger than Lakewood. And if not, and if let's say a Jewish city is big enough, Kiryas Yoel is a large city, and there's a whole sewer system that must work, presumably this has already been thought about. I don't know which one.

In Eretz Yisrael they actually worry about this, but there it's a Jew, it's a different thing. But here you're talking about amira le'akum, even for a non-Jew it's yes. One must know, it could be that the non-Jew works there in his closed company, you don't know exactly what the story is there. The principle is, it goes according to the majority. If he makes it for the city simply overall, if it's a majority of Jews it's forbidden, all the more so. Presumably the rabbis have already thought about this, in some way it's relevant.

But one must know, people don't know, for example, that you call a bus to come for you right after motzaei Shabbos, one may not. One must be able to leave when one could have come close. The law is, one must be able to arrive already motzaei Shabbos. I remember when Lag BaOmer is motzaei, they worry about this, that even if you leave after the time, but the non-Jewish bus driver had to leave. It's not the same even for the Jews, but here we're not talking about Jews, it's only melacha, it's even for non-Jews. One must think how far this can go. For example, even a police department in a Jewish city, if the majority are Jews, perhaps the entire police department exists for the majority of residents.

Law 8: A Jew Who Told a Non-Jew to Do Work for Him - The Law After the Fact

Speaker 1:

So until now we've learned when the non-Jew does work himself on his own, but he does it for the Jew what one may do. Now we'll learn what is if the Jew explicitly tells the non-Jew to do a melacha, whether the law is different. Yes? Section 8. The holy Rambam says, it's not different. The Rambam says like this: **A Jew who told a non-Jew to do work for him on erev Shabbos, even though he transgressed**, and he transgressed the prohibition of the Sages, and when one transgresses the prohibition of the Sages one receives makkos

mardus, it's harsher than when the non-Jew simply did it, one even receives makkos mardus, but regarding after the fact what benefit one may have from the melacha, it doesn't become harsher, and it's the same law as always, that **it's permitted for him to benefit from that melacha on the next evening after he waits immediately as long as it would be done**. The fine isn't greater than when the non-Jew did it himself, and one may have benefit after it's already passed the kedei sheha'ya na'aseis.

The Emri's Innovation: Why We Forbade Kedei She'ya'asu Even When the Non-Jew Does It on His Own

The Emri says, essentially all these mistakes or all when the non-Jew did it himself, it should have been completely permitted, one wouldn't need to wait kedei sheha'ya na'aseis at all. The entire reason why we wait kedei sheha'ya na'aseis was said al menas ken, only for such a case when a Jew tells a non-Jew to do a melacha on Shabbos. Because then it's very important that he should have to wait. Why? Because if we say "you'll benefit from it immediately", we're afraid that he'll feel good, and he'll be able to always tell the non-Jew, "if the thing is found ready immediately". We forbade when the non-Jew did it on his own, so that when it will be permitted, people will tell the non-Jew. We don't want this, we want actively that they shouldn't tell. But since we forbade, and one must wait kedei sheha'ya na'aseis, he won't say "why shouldn't I tell the non-Jew?", because he'll gain nothing from it, "so it won't be delayed at all", he'll gain nothing, "so it won't be delayed until evening as long as it would be done", he'll have to wait anyway as long as it takes to do motzaei Shabbos, so he gained nothing from telling the non-Jew.

It's interesting, these are still such laws that we know the Jew commits a sin, but he'll still do the fine. Usually the Jew who transgresses the prohibition of amira le'akum, he's also not transgressing it, he won't catch something that isn't clear.

Law 9: Shevus D'Shevus - Amira Le'akum with a Rabbinical Prohibition

Speaker 1:

Okay, yes. The holy Rambam says, now we've learned all this when the non-Jew does a Torah melacha, a complete melacha. When we've learned that we need one melacha what the law is of telling a non-Jew to do something that's only rabbinically forbidden. The Rambam says like this: **Something that isn't a melacha, a thing that isn't a melacha, and it's only forbidden to do on Shabbos because of shevus**, the prohibition is only because of shevus, for example, we'll see, I don't know, muktzeh or other branches, **it's permitted for a Jew to tell a non-Jew to do it on Shabbos**.

And this is, when there's some illness, when? When may one do this? If there's some illness, that means, if it's actually a sick person we learned earlier, one may tell the non-Jew to do even a Torah melacha. When there's some illness, that means, the person doesn't feel so well or something, he doesn't have the name of a sick person, but there's a bit of illness, **or if he needed the thing for a great need**, if he has a very great need for it, a strong need, **or because of a mitzva**, or a mitzva. Then one may make amira, this is called shevus d'shevus. Tell the non-Jew, let's not say what one may do, the point here, the leniency is, that there's an important thing, or a bit of illness, or it's a great need, or a need for a mitzva, a Jew

may tell a non-Jew to do the thing. This is what the holy Rambam held, this is the Rambam's way.

Examples of Shevus D'Shevus

How so? And he gives examples. **How so? He tells him**, a Jew may tell a non-Jew to climb a tree on Shabbos, what is climbing a tree on Shabbos, **or to swim on the water**, swimming on Shabbos, these are two things that aren't forbidden from the Torah, they're only rabbinically forbidden, a concern that perhaps he'll tear off, or perhaps he'll make a boat, I don't know what. One may tell a non-Jew to do it, why? For an important thing. For example, **to bring him a shofar**, to bring a shofar which is a mitzva. When? Rosh Hashana that fell on Shabbos, when one can't when not... There's a difference. Or erev Shabbos, for tomorrow, there's no difference. For tomorrow, or to be able to blow motzaei, to make the tekios of motzaei, which we learned earlier the six tekios. If there's danger for a circumcision, or a knife to circumcise.

English Translation

If **he transfers not from courtyard to courtyard**, then he goes on to say things that are very necessary. One may tell a gentile to bring water, but not in a public domain, rather **from courtyard to courtyard that don't have an eruv**, which is only rabbinically prohibited to carry in a karmelit. One may tell him to bring **hot water to wash a child with**.

Speaker 2:

Yes, it's a rabbinic eruv, eruv chatzerot.

Speaker 1:

Yes, rabbinically one needs an eruv there. One may bring hot water there for a need. What is the need? That a child or someone suffering should be able to wash. Not a mitzvah or a life-threatening situation, just simply a need. **And similarly all such cases**, for a great need or a mitzvah, one may... this is the Rambam. One may desecrate Shabbat. One may do a shevut d'shevut. One may tell a gentile to do a rabbinic prohibition. Very good.

Discussion: Practical Application — Electrical Items

Speaker 2:

According to this, people practice, for example, if according to what most poskim hold that all electrical items are rabbinic, then if it's hot one may tell a gentile to turn on the air conditioner and the like. It's also accepted for the need of the public.

Speaker 1:

No, the Rambam doesn't say such a thing. What kind of great need is the same thing? The word "public" doesn't appear here. The Rambam there on the spot, the Ra'avad doesn't understand why the Rambam said that for a minor illness one should tell a gentile, when you learned earlier that for an illness without danger a Jew may do a shevut. And the Ra'avad doesn't understand why one needs a gentile. The commentator says that the Rambam means also as you told me, that it's a minor illness, it's an even smaller level than that. And I mean, if it's an illness, even truly because of it a Jew can do a shevut. If it's only a minor illness, one calls a gentile to do the shevut. And a minor illness means a headache, not quite a small thing.

Digression: The Weakness of "Great Need" as a Criterion

I know, it seems to me a bit like the shevut d'shevut is not a real prohibition, because it's hard to say that one should leave

open the term "great need". Great need is very such a weak thing, every person can decide that for him it's a great need. For shevut d'shevut they only prohibited it l'chatchila, it says one shouldn't do it, but there's a great discussion. It's left completely... and the minute one leaves the term great need, it will be seen that people call a gentile on Shabbat a lot. For a great need, for a great need. When I say the Acharonim start to argue, what does a great need mean, what does suffering mean? Oh with suffering? What are the parameters with suffering? The Rambam doesn't go into it. It becomes such a thing that the shevut d'shevut is not enough of a great prohibition. One makes the entire laws of great need, it's more permissive.

Okay, let's say one is more lenient with the shevutim. It's all for a great need. Okay, let's say one is more stringent with the shevutim. It's all for a great need. It's all for a great need. It's a weak prohibition anyway. Amira l'akum is a weak prohibition as we discussed. I don't know exactly what you're doing by making the prohibition smaller. It's already been said so many times that it's a rabbinic prohibition, and it's prohibited even in a case of great need. It's a weak prohibition. Generally, everything that's rabbinic is permitted in a case of great need. One sees just like one simply builds a sukkah. Yes, we have very many rabbinic laws that in case of loss have become permitted.

Law 11: One Who Purchases a House in Eretz Yisrael – Permission for Amira L'akum for the Sake of Settling Eretz Yisrael

Speaker 1:

One who purchases a house in Eretz Yisrael, a Jew buys a house in Eretz Yisrael, one may tell a gentile to do work, **it is permitted to tell a gentile to do work on Shabbat**. Why? **Because amira l'akum and similar things are only rabbinic prohibitions**, and here there is the matter of settling Eretz Yisrael, which is a mitzvah **they did not decree in this matter**. Even for other mitzvot one may only do a shevut d'shevut for a mitzvah. Here it's not so important, it's not such importance, for the sake of settling Eretz Yisrael they didn't decree on amira l'akum, which even one may do a prohibition of shevut. This is the simple meaning, here it's implied that even biblically, that is, he does a biblical prohibition, he goes to write a document, he goes to buy, but for the sake of settling Eretz Yisrael the Sages didn't decree at all on amira l'goy. This is the simple meaning of the Rambam. There are those who say that it only speaks of rabbinic matters. This is the simple meaning of the Rambam, that it speaks of rabbinic matters. The Rambam says that one may only do rabbinic prohibitions for settling Eretz Yisrael. Okay.

Syria – The Law of Eretz Yisrael Regarding This

Speaker 1:

And similarly one who purchases a house from the Rambam in Syria, it also has a law like settling Eretz Yisrael. Syria is a conquest of David. Syria is an individual conquest that King David added, or I know one of the kings added. David.

Speaker 2:

Yes, yes.

Speaker 1:

He says that regarding these matters it also has a law of Eretz Yisrael. Not regarding all matters does it have a law, but

regarding mitzvot dependent on the land it has a law like Eretz Yisrael.

Speaker 2:

Like Eretz Yisrael means that Jews should live there and not gentiles, and this is an important thing.

Speaker 1:

Right?

Speaker 2:

Yes.

Speaker 1:

Today.

Speaker 2:

Yes, until now we've learned a very simple case that a gentile does work for a Jew, or the Jew tells him or he does it himself. Now we're going to learn what if the Jew hires the gentile. He hires the gentile. All kinds of ways, most of the rest of the chapter speaks of all kinds of ways how a Jew hires a gentile.

Speaker 1:

You have a gentile worker.

Speaker 2:

You can call him a worker, or he hires him, he doesn't have to be a worker. We'll see.

Law 12: One Contracts with a Gentile for Work – Kablanut (Contract Work)

Speaker 2:

So, says the Rambam, **"A person may contract with a gentile for work and set a price."** A person may negotiate, "posek" means like to establish, make a decision with a gentile that he will do work for him, and promise him money that he will pay him for the work such and such. **"And the gentile does it for himself, even though he does it on Shabbat it is permitted."** What he wants to say here is, that unlike when he tells a gentile "do this and that thing now", which one may not do, but if he gives a gentile a larger, as the Rambam will explain it, a larger job, and he gives him payment for the work when he's finished, and the gentile can choose when to do the work, even if he does it on Shabbat, it's permitted, because the reason why the gentile chooses Shabbat is not for the Jew. Because from the Jew's perspective he could have done it Thursday, Friday.

Speaker 1:

That means he's buying him as kablanut. That is, he's not hiring him by time, he's hiring him for an amount for the work, and the gentile can do it when he wants.

Speaker 2:

Right.

One Who Hires a Gentile for Many Days – A Year or Two

Speaker 2:

"And similarly one who hires a gentile for days, it is permitted, even though he does it on Shabbat." Even if one of the days he works is Shabbat. He explains, how so? **"Such as if he hired the gentile for a year or two years, to write for him or to weave for him, it is permitted"** for the gentile to sew or cut on Shabbat, **"and it is permitted, and it is as if he contracted with him to write him a book or weave him a garment, he hires however he wishes"**. That is, when he tells him clearly that

he's paying him for the entire job, for finishing the book or the garment, then it's permitted, because when he works on Shabbat he works on his own account on Shabbat. Or even if one has hired him for the year, but once one takes for a year, it's a kind of... when one takes someone for a year to write a book, it's obvious that he's taking him for the entire book. Although he set it up as a condition that he didn't make it in the manner of kablanut, he did pay him for the days, but his main thought is not because he wants the other to be his servant and work for him the whole time, but that he should deliver the job. It's also called like kablanut, and then it doesn't matter to me even if he works on Shabbat.

Condition: As Long as He Doesn't Reckon with Him Day by Day

Speaker 2:

But "**as long as he doesn't reckon with him day by day**" - if the Jew pays him for the day, and he calculates "this day I worked, this day I didn't work", it's obvious that he works specifically obligated on Shabbat, because if not he would have deducted or the like, because one counts every day. Then one may not.

Discussion: "As If He Contracted with Him" – What is the Innovation?

Speaker 2:

But this needs to be clarified. Seemingly, when it says here "to write for him" or "to weave for him", doesn't it mean a certain writing, he should write a certain book, then it's proper kablanut. Here you're seemingly saying a greater innovation, that "he hires him for a long time", he hired him for a long time, "you will be my scribe", you should be my writer. What I need written, you write. He gives him every few days his job. I know, it's not obvious that it's not such proper kablanut, since it's a longer period it means as if he's a contractor on the subject.

Speaker 1:

No, it's not proper kablanut. The point here is that even the way they make their deal is not kablanut, rather it's in a manner that the money goes on the days or on the years or on the months that he works, but since it's a large project, one views it as kablanut. In truth it is kablanut, even the way he pays him is a different way. It's, he pays him on the days, but since he doesn't count on the project... if he counts days, then "as long as he doesn't reckon with him day by day", then it means it is hiring. He doesn't pay him for the project, he pays him for the year. Actually, in the real one he pays him for the project. Not real, I know. "As if he contracted with him", that means that... what the Jew doesn't want is that now on holy Shabbat the gentile should work for me. I want the gentile to arrive further with the project, with the weaving or the book. Because it's called like kablanut. It's not clear what the meaning of the "as if" is. Do you understand what I'm asking? Yes. Perhaps someone has a... poor gentiles, it sounds like poor gentiles. It's not a certain project that he should give, it doesn't say as if he contracted with him to write him a book. See? Read well. No, I mean he says well. He will write for him whatever he wishes. I'm not telling you a certain book, I'm telling you in the year you should write as many books as you can write in the year. There's no difference, no umm... books. But since it's a year's time, I don't count every day, it's as if I told you to write him a book, he won't contract with him for a book, he asked him to write for him, whatever he asked him

the whole year. You're my employee, right? Every normal employee who doesn't have an hourly employee and the like, someone who has a salary for the year, means this, he has a certain job, for the year you'll be my I don't know what. This is seemingly the permission that's stated here.

Speaker 2:

It's interesting, because it says if he wants to maximize that he should work every day of the year, it's obvious that if one takes off all the Shabbatot, he works every seventh day he doesn't work, a large piece is missing. It seems that one speaks in a manner when the gentile can take off days that he doesn't work. Yes, as long as he interprets this as he doesn't reckon with him day by day. If you say I'm hiring you for the year, and a year means that I want you to work three hundred sixty-five days, it's obvious that he works. But if one assumes that year, it seems, it's obvious that he's not particular about the days he works, he just wants him to deliver a lot. He can be in his apartment. He doesn't reckon the account of the days with him. This is seemingly the point.

Speaker 1:

It seems to me a bit more lenient than you're presenting it. The leniency is, you're the supervisor of the, you're the guard, I don't know what, for the year, not for the day, then it's permitted. That's how it seems, which is the law. Okay, the next piece is a bit from matters brought in private, that not everyone is expert in the law. But this is a permission, because this is a law that builds on a previous law. Here there's another law, here there are a few things in the middle afterwards that have a distinction in public, like earlier when the gentile does it himself, and even when the Jew hires him there's also a problem in public. So here it's a bit more, because... read, read, yes.

Laws 13-14: In Private vs. In Public – Because of the Observers

Speaker 1:

"When are these things said? In private, that not everyone knows." It means, in private means that the public doesn't know, **"that the work done on Shabbat belongs to a Jew"**, one doesn't know that the gentile is doing the work and he's working for a Jew. But in public, three, three things: knowledge, revelation, and publicity, obviously it's prohibited. That means, everyone knows that he's your worker.

Speaker 2:

Yes, but when one sees a gentile doing work, he doesn't know if it's kablanut, or he doesn't know if he negotiated for the year, **"they say that so-and-so hired the gentile to do for him on Shabbat, therefore..."**

Speaker 1:

"Therefore", it says here like this, if someone negotiates with a gentile to build his courtyard or his wall...

Speaker 2:

Contract?

Speaker 1:

Not a courtyard in, in Oklahoma. Then they used to.

Speaker 2:

Or his courtyard or his wall, that means for his house in the Jewish neighborhood, if he places it there, to cut his field, or a

first thing of a sort. Or even if he did it in a manner that he pays him for the year... to build his courtyard or his vineyard.

So: **"If he does the work in the city"**, if it's in the city **"or within their boundary"** - within the Shabbat boundary - **"it is prohibited to allow him to do it on Shabbat. Because of the observers"**, because the people know that it's his house, obviously... **"and they don't know that he contracted"**. So the matter is suspicion, or anyway it's disrespect for Shabbat.

Speaker 1:

I don't know what he's saying.

Speaker 2:

Huh?

Speaker 1:

"But if he does the work outside the boundary, at least in a courtyard where there are no Jews, who will see the workers that they're doing on Shabbat."

Speaker 2:

No one will go see.

Speaker 1:

Anyway, one goes here with an assumption that within the boundary one knows which Jew has a Jewish house and the like.

Speaker 2:

Yes.

Speaker 1:

Even outside the boundary one knows, but outside the boundary no Jew goes on Shabbat, because one may not go outside the boundary on Shabbat.

Speaker 2:

Aha, that's the point... because this comes out practically.

Speaker 1:

Yes.

Speaker 2:

Because the factory there, at the edge of the city doesn't turn, one can go there every day, like the city can everyone?

Speaker 1:

No.

Speaker 2:

If a Jew has a...

Speaker 1:

Everyone knows he has a factory, he has a neighborhood, I know, in a gentile neighborhood, but no one goes there on Shabbat, no one goes to see, no one knows if one works on Shabbat or not. A Jew doesn't know, the gentile there knows, but the Jews don't know. If the Jews would see, where, look, the Jew is building here on Shabbat, seemingly it's the same... seemingly it's the thing.

Speaker 2:

But he says further another law. So according to this, for example, if someone has a gentile that everyone knows works for him, and I don't know, he cleans there, he builds, what he may not have a gentile do work on Shabbat. No. Right? That means, one sees... what does one see mean? The question only becomes when in these kinds of things that are always

assumed to be done as kablanut, or that are always... what it says here "and they don't know" and the Shulchan Aruch rules. But if it's a kind of thing that one knows that this is always the way of the world that it goes as kablanut, for example building a house is a kablanut thing. He takes a gentile contractor...

Building a House - Is It Kablanut (Contract Work)?

Building a house is a kablanut thing? Yes, not entirely clear. That is, the contractor gets work on a kablanut basis, but the non-Jew, how does the contractor pay for the non-Jew? Per hour usually. He hires a non-Jew, he takes a non-Jewish contractor, and the non-Jew works on his own time. And the actual non-Jew who works, you pay him by the hour usually. He works for the non-Jewish contractor. If it's a non-Jewish contractor, I'm not talking about that. Who knows if the contractor is non-Jewish or Jewish? It's not so simple.

It doesn't seem proper to me in any way. Usually, I didn't let the non-Jew work there on Shabbat. I wanted, I told him that he's not allowed. Simply it seems to me that it's not allowed. It's accepted today in halacha that it's not allowed. But I say, today there are many types of things where the derech ha'olam (way of the world) is that it's kablanut. For example, that the non-Jew should come... No, I mean that in halacha there is a chiddush (novel ruling), that the Rambam only says when it's mefursam (publicly known) that the Jew hires a worker on time with Shabbat, but not the essence that one works at a Jewish house.

What I mean to say is, for example landscaping is something that you pay for the year, and he has to do landscaping once in two and a half weeks or something, everyone has some kind of deal. You don't pay for the hour that he comes. Apparently one should be able to according to the Rambam. Because it's not simple that there's some zilzul (degradation) of Shabbat that one works at a Jew's house. There is a zilzul of Shabbat if one goes to hold that a non-Jew works for a Jew on Shabbat. If it's a type of thing that the non-Jew does on kablanut, everyone... The truck that every day he's on a different block. Let's see the next halacha states the heter (permission), perhaps there is such a heter. Let's see.

The next halacha is a different thing. The halacha here speaks about hiring out a person to a non-Jew. But you see that there is such a concept of "derech anshei hamakom" (the way of the people of the place).

Halacha: Renting Out a Vineyard/Field to a Non-Jew — "Derech Anshei Hamakom"

Speaker 1: Let's see. **"And likewise it is permitted for a person to rent out his vineyard to a non-Jew"**. A person may rent out his vineyard, where grapes are planted, or another field to a non-Jew, even though the non-Jew will work on Shabbat. **"Because the observer knows that it is rented in his hand"**, because he sees that there is such a minhag ha'olam (custom of the world) of renting out fields, and the observer will know that it's rented. **"Or on sharecropping known to the speaker"** — a non-Jew goes down on sharecropping, which is like kablanut, meaning that the non-Jew works for himself alone. Arisut (sharecropping) always means that not the Jew pays him for the hours of work, but he takes afterwards the produce that he planted, he takes a percentage.

"But in a matter where the name of the Jewish owner is called upon it", a thing where it's known that this is

Moshe's field, it's called that, **"and it's not the way of the people of that place to rent or to lease on sharecropping"**, and there it's not established that fields are rented out, **"then it's forbidden to rent it to a non-Jew"**, even if it's actually yes rented, **"because the non-Jew does work in that place on Shabbat, and the name of the Jewish owner is called"**. People won't know that the Jew doesn't work for the Jew, but they'll think that he's a worker of the Jew, therefore it's forbidden.

Discussion: The Distinction of "Derech Anshei Hamakom"

Speaker 1: So you see that there's a distinction regarding custom, regarding the world conducts itself, the way how one conducts oneself. But I see the example that he brings from the Magen Avraham, from the Shulchan Aruch, that what we learned earlier, a proper contract, a proper kablant, is only permitted when the non-Jew does it at his home. He argues that when at the Jew's is further something, if one does it at the Jew's home it's still forbidden because of the zilzul, "penei ro'im" (observers see), "shema yachshduhu" (lest they suspect him).

But you ask a good question, if everyone knows that it's not a thing, no one... I don't know. At most it's not exactly true, because the contractor, the owner of the landscaping company, does yes pay his worker for the hour that he was there. There's actually a middle person between, I don't know how this works in halacha. It's a shaliach l'shaliach (agent for an agent). That's one thing. But let's see how the business works.

My intention was like this: There's perhaps a thing that's called "afshar milta" (perhaps the matter). I know that one may not do a melacha (work) that has noise on Shabbat. For example, this is how we rule, this is what we say today for example, a person has a robot in the home to... Here we say that something that makes noise while working on Shabbat, it's not Shabbat-like. It could be that this is a halacha. But that's not the issue here. The issue isn't here that at a Jew's house one should see doing melacha there. That's not the issur (prohibition). The issur is that people will think that the non-Jew works for the Jew.

I know for example, I know that the government goes around collecting garbage, no one will say, "Ah, they're doing a loud melacha at Jewish houses." Because there's a sanitation company, it belongs to the city, it has nothing to do with you. There's an external thing, that one shouldn't make noise from melacha on Shabbat. Perhaps there is such a halacha, I haven't yet learned it in Rambam. Because the Rambam here because he speaks here is that the Jews should think that the non-Jew does a melacha. But if it's in such a manner that everyone knows that the non-Jew does his own thing on his own time, everyone knows that this works on a kablant basis, it's actually easier, even if he works at a Jewish house.

Question from the Maggid Mishneh

Speaker 1: It's not clear. He asks for example, I see for example, I think, he says for example, he asks an interesting question in the name of the Maggid in Shulchan Aruch HaRav, that he just said that a non-Jew may work at a Jewish field on rental one may, because everyone knows that here is the custom of rental. And in the same place where it's the custom of rental, if one gives him on kablant one may not. What is mefursam (publicly known)? Why should the Jews think that it's rental? There is a custom.

Here is the question, regarding the thing, the one who innovates the heter, understands here such a sort of heter, that because everyone knows that it's the custom, one needs to know if this sort of heter works always. It could be that there are certain things, people see, as you say, what you understand is perhaps the language, what stands in the whole concern. People see that it works at a Jewish house, everyone knows that it's a Jewish house, it's zilzul HaShabbat (degradation of Shabbat). Yes, it's zilzul.

One could also say that a machine that works is the same thing, or automation is the same thing. Could be, not a machine, not a... There's the thing that people see it looks like you're making a non-Jew work for you. When he plants a field, one sees that it's a contractor, and one doesn't see. They say that it stands on a sign "landscaping contracting", I don't know. One doesn't see, one sees that a non-Jew works for a Jew, and a person should think that the Jew hired him. It's also only an issur d'rabbanan (rabbinic prohibition), right? But it becomes already... This is the thing that apparently stands here, it's not clear the heter on that case. I mean that the rabbis saw explicitly that it should be a heter, because everyone knows. The heter only works by rental, because actually by rental there is the heter.

Answer: The Distinction Between Field and House

Speaker 2: Why is that yes different? Because he works for himself, and he says that everyone can see that he eats the fruits, it's not his own field, he's a contractor hired by the Jew.

Speaker 1: It's different, he clearly conducts himself like the owner, he takes care. When he goes with your house, he doesn't conduct himself like the owner, he still conducts himself like a worker. You have to say that people know that there's a distinction of a worker to a contractor, people don't know.

Halacha: Lending Vessels to a Non-Jew — Shevitat Keilim vs. Shevitat Behema V'Eved

Speaker 1: The next halacha the Rama says like this: It's permitted, one may lend vessels, borrow or rent out vessels to a non-Jew, even though the non-Jew does a melacha with the vessels, because we are only commanded on shevitat hakeilim (rest of vessels). So, here is the first time that the Rama uses the words "shevitat hakeilim", which he could have also used earlier, when it would have stood in all the... Okay, in the Gemara it's looked at this way. But his animal and his slave is forbidden, one may not rent out the animal or the slave to a non-Jew, because we are commanded on shevitat behema v'eved (rest of animal and slave). On vessels one is not commanded, but on shevitat behema v'eved one is yes commanded.

Halacha: Partnership with a Non-Jew — HaMishtateif Im HaGoy

Speaker 1: Okay, until here we learned about hiring a non-Jew. Now we're going to learn what is with a Jew who has a partnership with a non-Jew, and the non-Jew works Shabbat, and the non-Jew has the Jewish business on Shabbat. We need to know which part of the partnership works.

It's like this: **"One who partners with a non-Jew in work or in merchandise in a store"**, one is a partner with a non-Jew with work or with a store, if **"if they stipulated from the beginning, that the profit of Shabbat should be for the non-Jew alone"**, if one discussed from earlier, **"that**

the profit of Shabbat should be for the non-Jew alone", that Shabbat belongs to the part of the non-Jew's partnership entirely, it's permitted for him, and he has no part in how much is made. Not simple that if one makes more or less he needs to calculate, but Shabbat is his, Shabbat is entirely his. **"And he should give him one day corresponding to the day of Shabbat for the Jew alone"**, and the other day should be everything that comes in the other day, for example I know Tuesday, is entirely the Jew's, also no distinction how much comes in. It's simple that Shabbat is actually truly the non-Jew's, then it's permitted.

If One Didn't Discuss Earlier

Speaker 1: But if not, and one didn't make any distinction, if one didn't discuss earlier, how can one make it so it should be permitted? The Rambam says like this, **"when they come to divide"**, when one will divide with the money, then the non-Jew should... What? Here the Jew will lose a bit, because he won't be able to say, **"the non-Jew takes the profit of Shabbat all alone"**, he needs the non-Jew to take the profit from all of Shabbat, **"and the rest they divide"**, the remainder is divided, even though the Jew has a loss, because he doesn't have a day against it, but if the Jew will ask him a bit from the Shabbat, he will have, the non-Jew worked for him on Shabbat, **"and he has no way out except purchasing the day of Shabbat"**, he purchased the Shabbat from him, he used him at the beginning.

Learning: The Distinction Between Stipulation at Beginning and at End

Speaker 1: If one discussed earlier, he will take a day instead of it, but if not, apparently the learning is simple, if he discussed earlier, then the whole, the partnership is nullified for Shabbat, just they have a deal between themselves that no one wants to lose, so the Jew takes Sunday instead of Shabbat, or Tuesday, I mean that Sunday makes more sense, because anyway, the non-Jew doesn't work Sunday, no? Just so.

In any case, I work the day, we work for ourselves each the day, but if it's a partnership, it's simple everything belongs to the non-Jew and you together, when you want to divide it, it gets divided, but Shabbat you may not work, you may not take the profit from Shabbat, you take nothing, afterwards you're further partners on the other six days, the Jew will take three days, and the non-Jew three days, actually the Jew lost the whole Shabbat, because he has no heter to take the profit that was worked on Shabbat, he may not take the profit from one whole day. Why? Because he didn't give any day for Shabbat. Ah, he can't give for Shabbat.

"And likewise if they received a field in partnership", this law goes, also the same thing, what is the chiddush of this? They received a field in partnership, they made a partnership, but it's a rental on that one's field, apparently the same thing, not their field, but they take on sharecropping, so says the translation "kiblu", they were a tenant, yes? Why should one think that it's different only their field? If it's not their field, there's actually no distinction. Okay.

Halacha: Partnership Without Stipulation — "Yireh Li" of the Rambam

Speaker 1: **"If they didn't stipulate"**, yes, the Rambam says, look what the Rambam says, now is a new case, that one didn't make any stipulation, but also one doesn't know which money came in which day. One doesn't keep any accounting,

one keeps accounting which money came in which day, one doesn't know.

So the Rambam says, yes. **"Yireh li"** (it seems to me), says the Rambam, my approach is, he says that this is still his approach, **"that the non-Jew should take alone a seventh of the profit"**, the non-Jew should take a seventh

Halacha 18: Giving Money to a Non-Jew to Do Business

Rambam's Words:

One who gives money to a non-Jew to do business with it, even though the non-Jew buys and sells on Shabbat - he divides the profit with him equally. And so ruled all the Geonim.

Explanation of the Halacha

That helps. On whom is he arguing?

Ah, he's not arguing. Who is the yireh li? Yireh li means he basically that it doesn't stand in the Gemara this thing, the Rambam means to say that one must be concerned perhaps more came in on Shabbat, one can't take a seventh, and one must yes make an accounting specifically on Shabbat. The Rambam means to say that one can make such a calculation, yes.

And further, what happens with giving money to a non-Jew to do business, when a Jew invests by a non-Jew, he should be engaged with the money, even though the non-Jew buys and sells on Shabbat, even if the non-Jew holds on Shabbat, it's not simple that he now needs to fear that one made money on Shabbat with his money, he takes his profit on Shabbat, can he yes take his money on Shabbat, and so ruled all the Geonim, that doesn't mean profit of Shabbat.

Why? Does one take here for example things like I know, stocks or such things that his money makes money on Shabbat, that's not a problem. Stocks could be a matter of kinyan (acquisition), stocks means that he owns the store, but melacha means that he buys and sells, so then it's not a problem.

Why? What does it say? Rather that he buys and sells, because it's not at all called in the name of Israel, the non-Jew does his thing, he has an investor, a silent investor. It doesn't mean that he works as an agent of the Jews, it doesn't mean that it's called in the name of Israel that it should be a zilzul Shabbat. It's something else, money for merchandise.

Halacha 19: Giving Vessels on Erev Shabbat

Okay, now we're going to learn another halacha of erev Shabbat (Shabbat eve). Giving to a non-Jew on erev Shabbat.

Rambam's Words:

A person should not give on erev Shabbat vessels to a non-Jewish craftsman to make them, even if it's contracted, even if it's on kabanut. There's no question that the non-Jew may even work on it on Shabbat, but only so that they should arrive while it's still day until it gets dark.

Explanation of the Halacha

You may not make it so that a non-Jew should go out from your house with work on Shabbat. That's the point. Although the non-Jew may, there's no question at all, one may not.

Why? People will see. People shouldn't see how a non-Jew turns around in your house and works on Shabbat.

And likewise a person sells things in his house. Even if he sells it, the non-Jew comes and he does the kinyan (acquisition) still before Shabbat, but afterwards he still lingers there, and he will go out with it on Shabbat. It looks like he just sold it to him now.

And the Rama inside says, he shouldn't sell, so that he shouldn't go out, he shouldn't lend things with him.

Law of Collateral and Loan

Regarding when you mean to lend him money, may you take from him a collateral? Yes. Give him a collateral? Rather so that he should go out with that object... ah, return the collateral or give him a gift, rather so that he should go out with that object from the opening of your house before Shabbat. Only if he goes out from the house still before Shabbat. Because if he goes out on Shabbat with an object, even if you lent him, it looks like he's doing business on Shabbat.

But on this lending is interesting, because here there's not at all any melacha, it's only a suspicion. The whole thing is a suspicion. Non-Jews shouldn't go out from Jewish homes on Shabbat with things. With things that are... You'll still say, the non-Jew will go suspect the Jew just in imagination, the Jew didn't at all do with him any business, he only lent him something.

What it looks like, as long as he sits in his house, as long as the non-Jew is at the Jew's, a person doesn't know when he gave it to him. And when one will see him go out with an object, it will appear as if he lent him or made a transaction with him on Shabbat.

Halacha 20: Giving a Letter to a Non-Jew to Carry

Next halacha, also a similar halacha.

Rambam's Words:

One who gives a letter to a non-Jew to carry it to another city, a mail person, he gives him a letter to carry further. It's like this, if he fixed his wage, if you discussed with him it's on a kablanut basis, that I'll pay you such and such that it should arrive until that one's house, it's permitted. It's permitted, even if he gives it to him on erev Shabbat at nightfall, even if you give him right before the time.

Explanation of the Halacha

Translation

And therefore there is seriousness to consider that he will do it on Shabbos. As long as the non-Jew left the Jew's house before Shabbos, it is permitted, because it is like kablonus (contract work), he doesn't pay him for his hours of working on Shabbos, he pays him for the work of making sure that the letter arrives at the place where it needs to arrive.

The Law Without Fixed Payment

But if he didn't negotiate a price for his work, it is as follows:

If there is in that city a specific person who is the postman and he collects the letters and he carries them to each and every country with messengers, he has messengers under him and he sends them, then one may give him the letters.

But here comes a condition, and that is that there was enough time before Shabbos, he gave him the letter with enough time, there were still hours in the day, there was still time in the day,

so that it could reach the house close to the wall before Shabbos, that the letter could still arrive close to the city where it needs to arrive, even if it cannot arrive at the house where it needs to arrive.

Why? Perhaps this one who collects letters and his house is close to the wall. We need to make sure that it can arrive close to the wall, because we don't know, we don't know where his house is. There must be enough time that it can arrive all the way to the furthest post office, as it were, until close to the wall in that city, because if not he will further have the same problem that he carries it for the Jew on Shabbos, and that is not kablonus, he does it as a hired worker.

But if there is no fixed person for this, rather a non-Jew who sends the letter and sends it through another non-Jew, if one simply takes a carrier to carry it there, then it is forbidden to send a letter through a non-Jew ever, unless he fixed a price for him, because then it will indeed be hired work.

Question: What Does the Letter Help?

What does the letter help? The second messenger is an answer, it's just a simple Pesach leniency. That's how one sees something, because if there is a fixed person it always becomes like kablonus, no?

But there is still a more serious Pesach issue in this. It's like an agency, it's not a problem.

So he says ah, he brings, this person doesn't need fixedness. The fixed person, even if it's not kablonus, is included as religious, because he is, it's his job, it's not clear, he receives so much. We can hear, his job is not to take for the hour, so many hours that it will take to arrive home. He has the job of arriving the letter. It's not clear.

Okay.

Law 21: A Non-Jew Who Brought His Objects on Shabbos

A non-Jew who brought, ah, so this is the continuation of the law essentially. That is, the two laws we learned, now I understand. The two laws are about that one shouldn't see how a non-Jew goes out from a Jewish house with his things, or arrives.

The Rambam's Words:

But this is only if it's the non-Jew's, ah, Jew's things. If it's the non-Jew's things, a non-Jew brings his own things on Shabbos and brings them into a Jewish house, it is permitted. Even if the Jew tells him, "Put it in this specific corner," this too is permitted.

Explanation of the Law

Why? Because the entire prohibition is only the Jew's things. Eh, who knows whose things it is? When he goes in. Are we suspicious of a non-Jew on Shabbos? No, we don't place stringencies on non-Jews, we only place stringencies on Jews. We are not suspicious of a non-Jew on Shabbos, and we invite him on Shabbos, he may eat with the Jew, we give him food, we may give him to eat.

Eh, will he perhaps carry it away? We give him and he goes out, we are not concerned about him. We don't worry about this. It's not "lest they suspect us." Will he perhaps go out to eat, and will we watch him? There's no difference.

Distinction Between Shabbos and Yom Tov

There is another law, but Yom Tov the law is different. On Yom Tov there is a concern that if we invite a non-Jew for a

Yom Tov meal, one will cook for him. But Shabbos we don't cook anyway, even not for a Jew, so there is no concern. We may give him to eat, and afterwards he may even carry it out. That's not my problem, it's not "lest they suspect us."

Like we give food before the dog in the courtyard, also we give him and he goes out, we are not concerned about him. I don't worry, the resting of his animal doesn't apply to this. When we may give food to the dog, and that the dog carries it, a Jew may have a dog and must keep him in the courtyard, but a Jew has a dog, and we may give him food, no problem at all of commerce or anything. And it's not my problem that he carries it. This is not the resting of his animal.

Law 22: The Leniency of One Who Comes on the Road - Giving His Purse to a Non-Jew

Now we will learn another leniency of telling a non-Jew essentially. It was said that one was never permitted, one was never permitted. If it's a community.

The Rambam's Words:

One who was coming on the road and the day became holy upon him, suddenly the day became holy, it became night, it became Shabbos, and he had money. He had money, he had money. There is a question whether he may give to the non-Jew the money for him to carry. He says, he gives his purse to a non-Jew to carry it, to carry it means apparently even if it's a public domain, even if it's biblical. And on motzaei Shabbos he takes it from him, on motzaei Shabbos he may take it from him. Even though he didn't give him his wages, even though he didn't pay him.

Explanation of the Law

When he would have paid him one might perhaps have been able to say that it's kablonus or something. Here we're talking about he didn't pay him, he had proper telling a non-Jew. Even though he gave it to him after dark, even though he gave it to him it was already Shabbos, it is permitted. There is a leniency, yes it is permitted.

Why? Because a person is anxious about his money. A person is anxious about his money, nervous about his money, and it is impossible that he won't go. One cannot expect that a person should throw away, he won't throw it away. It's impossible, a person doesn't throw away his purse, there's no such thing. A great pious Jew, the Amshinover Rebbe goes erev Shabbos in Erfurt, he won't throw it away, so it says in the Rambam.

And therefore, what do the Sages say, and if you don't permit him, if you won't permit him, he will come to bring it in his hand, he will do it with his hands. You'll tell him a non-Jew is not permitted, okay, I'll take it myself. There are only two options.

Basically, the Sages saw there are two options, either for a Jew or for a non-Jew, or he should take it himself, which that is biblical from carrying. Therefore what? They permitted apparently this to give to a non-Jew. The Rabbis say, no problem, we give further, we agree that the Torah should remain. Unlike here, where you say that he should put it down on Shabbos, that indeed stands, that one may not say kevi.

Yes, that one may not say, we haven't finished the Gemara. We'll go later, it's a whole sugya, but this that a person is anxious about his money is brought out more.

Question: Distinction Between His Purse and a Found Object

Okay, I had a question. When we talk about telling, we talk about telling, the prohibition of telling is with his purse, when the purse is in his possession. But in our reality, where a Jew has just now made money, and he's now walking with a non-Jew, and he tells him, "Listen, I just now made money," and he met him. It's not money that he is emotionally connected to, it's something he just received back. And he received there, he received there.

The whole thing was, you see a found object, don't take the found object at all, on this there isn't the reason, not the same owner. They run after the, because on this there isn't the thing, because if not he's an owner, he won't be able to arrive ever, because he's not yet connected from yes.

A kingdom less than four amos, which this is not at all a miracle, it's proper, it's perhaps not even a rabbinic prohibition, perhaps it's a rabbinic prohibition.

Conclusion of Discussion from Previous Topic

It's not money that he has, he's not emotionally connected to it. Something that one cannot answer to this.

Not just an acquisition, just an acquisition he should win.

Touch? Touch. Yes.

Not the four categories of damages, that means there is a reality. Ah, he doesn't have the reality, a vessel, on this there isn't the claim, not the 'this and this causes'.

'He will not succeed after'

Because on this there isn't the thing why he shouldn't be anxious, he won't come to stumble, he's not connected to it.

A kingdom less than four amos, which this is not at all a biblical prohibition, this is not even a rabbinic prohibition... There isn't the... What's the practical difference?

The Rambam claims that what? That he won't be anxious, but this he could have, that means... why doesn't the leniency say with a purse? He sees that he will be more anxious, he won't do it. But essentially he tells him, I have for you another leniency, you may do this, and it's easier than...

He asks a question, if there is the advice of less than four amos, why should one tell him 'tell him to sin'? He has for you a way to do it permissibly. So apparently there is an obligation with this.

Anxious about his money is a thought not a detachment.

Then the other one who asks here on the Rambam about this, which needs other opinions, whoever has established a practical halacha this case should ask a rabbi, because it's not entirely clear that the law is like the Rambam in this matter.

But I need to finish in this chapter in another five minutes, I should still learn another two three laws.

Law 23: A Jew Who Did Work on Shabbos

The Rambam says: "**A Jew who did work on Shabbos**". We learned all the laws of a non-Jew doing work, and what happens with the object, if the non-Jew did work, if one may not eat it 'until the time it takes to make', or if he made it there publicly forever. But what if a Jew he did God forbid work on Shabbos?

Intentionally

It is so, intentionally and deliberately, if he did it intentionally, **"it is forbidden for him to benefit from that work"**

forever". He may never again benefit from it.

"But for other Jews it is permitted to benefit from it on motzaei Shabbos immediately."

But other Jews may yes, even immediately. Why? **"As it says"**

A verse,

And we learn it out: **"And you shall keep the Shabbos for it is holy to you"**. We learn it out, **"It is holy"**, the Shabbos is holy, **"but its work is not holy"**. Not the kugel, not the food is holy, not the work is holy.

"It is holy" means it is...

"It is holy" - whatever it was explained, only, "work of Shabbos" doesn't get a law that one may not... there is only a law of penalty, as we learned earlier. How so, the Jew already a bit on Shabbos intentionally, on motzaei Shabbos others may, other people may eat, but he may not eat forever, he may never eat it.

Unintentionally

What happens if he cooked unintentionally? On motzaei Shabbos it is permitted for him, the penalty of not eating was only said on intentional. Unintentionally he may also eat motzaei Shabbos, and so all similar cases. It's not only cooking, on other works.

Distinction Between Non-Jew and Jew

Apparently the distinction of this is, by a non-Jew we fear that he will tell the non-Jew initially, one must say motzaei Shabbos. Here it's a harsh thing, at least he may never eat. But to tell a Jew, if it's only intentional, then comes the penalty, the Rabbis say, don't ever eat. But unintentionally, it's not relevant that he should make an unintentional act deliberately and the like, at least there aren't great concerns, there is only forbidden until motzaei Shabbos, and so all similar cases.

Law 24: Fruits That Went Outside the Boundary and Returned

Fruits that went outside the boundary and returned, what happened? A person had things, he had fruits, and on Shabbos one desecrated Shabbos, one carried this outside the Shabbos boundary, and afterwards one brought it back. It's different from cooking, because the fruits were before and they were after, they were only in another place, but no change happened in the fruit.

The Rambam says, **unintentionally they may eat**, one may eat it on Shabbos, **for nothing was done to its body and it wasn't changed**, nothing happened to it, unlike cooking. But **intentionally** one must indeed wait until motzaei Shabbos.

What is indeed the meaning of this motzaei Shabbos, if we say we penalize the holy work, why on Shabbos itself may one not? Because it's a penalty.

Law 25: Wages of Shabbos - One Who Hires a Worker

Already, another last law of the chapter, **one who hires a worker**, if a person, a Jew hires a non-Jewish worker... a Jew, a Jewish worker. Ah, excuse me, a Jew hires a worker, **to guard his fruits for him**, he should do for him work that is not exempt work, for example he should be a babysitter, one may not give wages of Shabbos, this is called the laws of wages of Shabbos. **He may not give him his wages on Shabbos**, one may not give the money on Shabbos.

Practical Difference: Law of Guardian

What comes out of this? Comes out of this an interesting law to learn in Choshen Mishpat, that Shabbos doesn't mean like the Jew works, because he doesn't pay him. So also there is no responsibility on Shabbos, if something happened on Shabbos, the cow something happened, he cannot tell him, "A renter you are, you are liable for theft and loss" and so on, because he's not a paid guardian, he's an unpaid guardian, or he's not a guardian at all.

Hiring for a Long Time - In Absorption

But if his wages were, if he hires him however for the week or for the year, week means here a whole week, and we discussed there that this one may, yes. We discussed there that this one may. We discussed that we pay him for a certain amount of time, yes. We discussed by a non-Jew, but even by a Jew there is certainly this leniency. If we hire him for a whole year, then it is called **in absorption**, and there is no wages of Shabbos, we give him the whole wage also for Shabbos, **therefore responsible for Shabbos**, on Shabbos he is also called a hired worker.

Law of Language: "And He Should Not Say to Him Give Me My Wages of Shabbos"

But even then when he pays him also for Shabbos, as we discussed in absorption, but he may not call it that he pays Shabbos, **"and he should not say to him give me my wages of Shabbos"**, give me my Shabbos money, **"rather he should say to him give me my wages of the year" or "of the month"**.

What is the meaning of this? They say, this is a matter of separation, it's not a nice thing to speak of Shabbos in the weeks. And we don't speak here by Shabbos, even in the weeks one may not say, yes, apparently. It's not the separation, it's a matter that we should truly look at it like he doesn't pay him for Shabbos, it's not fitting to say for the work of Shabbos.

The only true Jews there is on Purim. I mean to say, "and he should not say to him" is not such a prohibition on the speech, he says how the hiring of a whole year should go, that we shouldn't look at it as hiring of Shabbos. I say, even if it's true, yes, still there is a matter we shouldn't speak about it so. Why shouldn't one speak? Because this shouldn't be looked at so. He shouldn't consider like he pays him for Shabbos, he should consider like he pays him for the year. The Joel means that when he speaks off that he may not say so, yes, can also be.

Digression: Rabbis, Cantors, Supervisors - Wages of Shabbos

Good, it's interesting that the most pious Jews are those who work mainly Shabbos, like the rabbis, the cantors, and so on, and how one may give them money for it, because he prepares for the questions and answers erev Shabbos. If he doesn't prepare, then there is a great question if he may take money. If he doesn't prepare, there is no work, it's just a pleasure he spends with the community. Anyway, it's nice. Yes. Only indeed, when we hire a cantor or a rabbi, we say, we pay him because he prepares, not for singing Shabbos. Singing he sings for free, not for free, in absorption.

Here in this case, we hire for caterings for camps, for Shabbosos, supervisors, night meet my way. Also is the same answer, he also works erev Shabbos, this is in absorption. Okay, a happy, yes.

End of the Chapter

How are we holding here? A happy. The next law, we will Chapter seven is already the world of revival, kingdom, it's already learn the thirty-nine labors. But he has no chapter six. tremendous.

Generated by Shiur Upload Automation