

## המבשל בשבת בשוגג יאכל -

### One who cooks on *Shabos* inadvertently, it may be eaten

#### Overview

The ברייתא teaches that if one cooks on שבת בשוגג, the food may be eaten (according to ר"מ). However, if he cooked it במזיד, it may not be eaten. תוספות will clarify these rulings.

פירוש בו ביום ואפילו הוא כדמוכח בפרק כירה (שבת לח, א) -

The explanation of 'יאכל', is that it may be eaten **that very day** (שבת) and even the מבשל himself may eat it, **as is evident in פרק כירה** -

דבעו מרבי חייא בר אבא שכח קדירה על גבי כירה ובשלה בשבת כולי -

Where they queried רחב"א, 'one who forgot and left a pot on the stove (on ערב שבת), and it cooked on שבת, etc.' what is the ruling? The גמרא there continues -

עד המבשל בשבת<sup>1</sup> כולי בשוגג יאכל ולאותו שבת קא בעי התם אי אסיר<sup>2</sup> -

Until רחב"א cited a משנה, 'one who cooks on שבת, (etc.) if it was בשוגג it may be eaten' [etc.], and the query there was whether it is prohibited to be eaten on **that very שבת**, the reason for prohibiting it, is as -

גזרה שלא יאמר שוכח אני -

A precaution that he should not claim, 'I forgot'.

ברייתא follows with an explanation of the continuation of this תוספות:

במזיד לא יאכל פירוש בין הוא בין אחרים בו ביום אבל במוצאי שבת לדידה נמי שרי -

If it was cooked 'במזיד, it should not be eaten', meaning that no one, whether the מבשל, or anyone else, should not eat it on **that day** (שבת), however on מוצ"ש it is permitted to be eaten, even to the מבשל. תוספות proves his contention -

דהא בפרק קמא דחולין (דף טו, א ושם) אהיהא מתניתין<sup>3</sup> דהשוחרט בשבת וביום הכפורים -

<sup>1</sup> This case of המבשל בשבת is where he placed it on the oven on שבת, as opposed to the query where it was left on the oven before שבת. This case of המבשל בשבת is a משנה in מ"ג פ"ג מ"ג. תרומות פ"ג א. רחב"א concluded that regarding שבת there is a difference between שוגג and מזיד, however regarding קדירה שכח there is no difference between שוגג ומזיד.

<sup>2</sup> There is a dispute there as to the ruling of רחב"א regarding the one who forgot the pot on the stove, whether it is prohibited to eat it even by שוגג (see previous footnote # 1. יצחק בר נחמן ר' נחמן בר יצחק maintains that he is even by מזיד, or whether it is אסור even by שוגג). This concern is only if one wants to eat it immediately on שבת. No one will leave something on a stove ערב שבת in order to eat it שבת. We can therefore conclude that when רחב"א cited this ברייתא of המבשל בשבת as a source for his ruling, that משנה when it states that שבת בשוגג יאכל is discussing eating it on that very same שבת. Additionally, the query to רחב"א was regarding the individual who left the pot on the oven; we can therefore conclude that when the משנה (which was cited to resolve the query) states בשוגג יאכל it is referring (even) to the מבשל and permitting him to eat it שבת.

**For in the first פרק of מסכת חולין regarding that משנה which states that one who is יוהכ"פ or שבת on שוחט -**

**אף על פי שמתחייב בנפשו<sup>4</sup> שחיטתו כשרה<sup>5</sup> -**

**Even though he is liable with his life, nevertheless the שחיטה is כשרה.** This concludes that משנה -

**פריך ונוקמא במזיד ורבי מאיר<sup>6</sup> ומשני לא סלקא דעתין דקתני שבת דומיא דיום הכפורים -**  
The גמרא asks, let us establish this משנה that he was במזיד and the שוחט שחיטה גמרא follows the view of ר"מ that לא יאכל, and the גמרא answers, that does not enter our minds, for the משנה teaches שבת together with and similar to יוהכ"פ -

**מה יום הכפורים לא שנא שוגג ולא שנא מזיד<sup>7</sup> -**

**So just as on יוהכ"פ, one may not eat it regardless if it was בשוגג or במזיד,** similarly by שבת it must be אסור to eat, both by שוגג or מזיד; therefore, it cannot be ר"מ, who maintains בשוגג יאכל. This concludes the citation from that גמרא. תוספות continues with his proof -

**והשתא אי לאחרים שרי בו ביום לפרוך ממזיד גופיה<sup>8</sup> -**

**So now if you will (mistakenly) assume that others are permitted to eat it ביום,** the גמרא should have asked from מזיד itself -

**מה יום הכפורים לא שנא לו ולא שנא לאחרים כולי -**

**Just as by יוהכ"פ there is no difference between him and others, etc.;** all are forbidden to eat from this שחיטה on יוהכ"פ, so too by שבת they should all be prohibited from eating it, even the אחרים, therefore it cannot follow the view of ר"מ since according to him others are permitted ביום. However, since the גמרא did not ask this question, this means that אחרים are also not permitted to eat it ביום -

תוספות continues to prove from the previous גמרא that ר"מ maintains that even the מבשל may eat it - במוצ"ש

**ואי לדידיה אסור אף למוצאי שבת הוה ליה למימר שחיטתו כשרה קתני -**

**For if the מבשל himself is אסור even by מוצ"ש, the גמרא should have argued that we cannot establish it like במזיד ר"מ, since the משנה states כשרה שחיטתו,** meaning -

**לא שנא לו לא שנא לאחרים כדקאמר התם על רבי יוחנן הסנדלר -**

**It is כשר for everyone regardless whether it is him or others,<sup>9</sup> as the גמרא states**

<sup>3</sup> The משנה is in יד, א.

<sup>4</sup> He is מזיד for יוהכ"פ on חייב כרת and חילול שבת במזיד ובהתראה חייב סקילה (as well as for שבת without התראה).

<sup>5</sup> The גמרא there (יד, א) states in the name of רב that nevertheless one may not eat it on שבת. Obviously, one may not eat it on יוהכ"פ. The גמרא there tries to ascertain who is this תנא that prohibits it on שבת.

<sup>6</sup> This is our ר"מ who says לא יאכל במזיד לא יאכל בשוגג concerning ביטול and the same is concerning שחיטה.

<sup>7</sup> See footnote # 5.

<sup>8</sup> We are attempting to establish the משנה by מזיד according to ר"מ. It is preferable to refute this from the case of מזיד itself, rather than from the case of שוגג, which we are not discussing!

<sup>9</sup> However, if we (mistakenly) assume that the מבשל is אסור even by מוצ"ש, so how is it שחיטתו כשרה for everyone?!

– ר"י הסנדלר like משנה establishing that <sup>10</sup>there regarding

למוצ"ש to eat it מבשל the it is permitted for the ר"מ according to that offers an additional proof תוספות  
ועוד דאם כן היינו מזיד דרבי יהודה כמו שאפרש<sup>11</sup> -

And additionally, for if it is indeed so (that the מבשל is לר"מ), the ruling of ר"מ by מזיד is the same as the ruling of ר"י by מזיד as I will explain –

responds to an anticipated refutation:<sup>12</sup> תוספות

ומדאצטריך לרבי יהודה לאפוקי<sup>13</sup> מזיד במילתיה משמע דפליג נמי אמזיד:

And since it was necessary for ר"י to express his view of מזיד in his opinion, this indicates that he argues with ר"מ even by מזיד, so the proof stands.

### Summary

means that everyone may eat it on שבת, and לא יאכל במזיד means no one may eat it on שבת, however everyone may eat it למוצ"ש.

### Thinking it over

According to this תוספות would it be more likely to say (according to ר"מ) that the main prohibition in doing work on שבת (like cooking) is on the גברא; that **the person** should not cook on שבת, or is the main concern that the **food** (the חפצא) should not be cooked on שבת?

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This proves that למוצ"ש all are permitted to eat it even the מבשל.

<sup>10</sup> The גמרא there explained that we cannot establish the משנה like הסנדלר ר"י, because of this very same difficulty (see footnote # 9).

<sup>11</sup> See עמוד later on this תוס' ד"ה במזיד.

<sup>12</sup> Perhaps indeed ר"מ ור"י do not argue by מזיד, only by שוגג, so there is seemingly no proof!

<sup>13</sup> In the תוספות הרא"ש this reads לאסוקי (not לאפוקי). Why was there a need for ר"י to express his opinion by מזיד if he agrees with ר"מ.