

# HALOCHOSCOPE

**This week's question:**

**A group of volunteers are making a *kiddush* in a *shul*, on a *Shabbos* following *Yomtov*. One of them is in charge, with the others helping. What is the procedure for *eruv tavshilin*? The one in charge and some of the assistants will have made their own *eruv tavshilin*, while others might not have done so.**

**The issues:**

- A) *Melech Ochel Nefesh*, food preparation permitted on *Yomtov***
- B) *Hachanah*, forbidden preparation on *Yomtov* for the next day; *Eruv Tavshilin***
- C) Who is covered by *eruv tavshilin*?**

## **A) *Melech Ochel Nefesh***

The Torah permits those *melachos* that are needed to prepare food on *Yomtov*. The thirty-nine *melachos* are series of activities. Some only permit those series that pertain directly to food preparation. This would exclude cheese curdling, sub-category of *boneh*, building, which is not part of the food series. Others permit any *melacha* directly involved in the preparation of food. Indirect *melachos*, such as harvesting the produce, are called *machshirei ochel nefesh*. In many cases, the issue for these *melachos* is whether they could have been done before *Yomtov*. For example, grinding strong spices is an earlier stage in the preparation than cooking or even kneading the dough. However, if it is done the day before the spices will lose their flavor. On the other hand, picking the fruit or reaping the grain need not be done immediately before processing the food. Others consider some *melachos* forbidden in a class of their own, as *melech avoda*, hard work. These were never permitted for *ochel nefesh*.

Most poskim rule that *melech ochel nefesh* may be done immediately prior to eating, even if they could have been prepared in advance. Some poskim disagree. The prevailing practice is to do these *melachos* with a *shinuy*, in an unusual manner.

Burning and carrying, have an added leniency. Since these *melachos* are used for other purposes besides cooking, the permissibility given by the Torah is applied to other uses for the fire. The other uses must be a need for *Yomtov*, at least in a small way. In addition, many poskim require the need to be related to bodily benefit. Thus, one may heat a room, warm up water to wash (though not the entire body), and kindle lights. Extinguishing can also qualify when it is needed to facilitate the preparation of food.

When burning is permitted, a separate issue arises when creating a new flame. *Molid aish*, making a fire where none existed before is forbidden even on *Yomtov*. One may only expand an existing fire, or take a flame from it. Thus using a pilot is fine, as is taking a flame from a candle. Striking a match or its electrical equivalent is forbidden. Lowering a flame is compared to extinguishing by some. It deprives the fire of its fuel. It is

forbidden to remove oil from a lamp. Others contend that in an oil lamp the entire pool of oil is connected to the flame and feeding it. In a gas stove, the flame needs to be fed by a constant flow of fresh gas. Thus, restricting the flow is not considered extinguishing.

The principle permitting other uses of these *melachos* is called *mitoch*. There are many details involved in this. The most important are that the *melacha* is somewhat needed for *Yomtov*, and that the need is quite universal. A need that is only appreciated by a few people does not count. [See Beitza 12b 28b 33a-b, Megilah 7b Kesubos 7a, Poskim. Tur Sh. Ar. OC 495:1 502:1 504 510 511:1, commentaries.]

### **B) Hachanah; Eruv Tavshilin**

While the Torah expressly permits *meleches ochel nefesh* for the same day of *Yomtov*, it is forbidden to prepare on *Yomtov* for the next day. Indeed, it is forbidden to do any activity that would be permitted for that same day, whether on *Shabbos* or *Yomtov*, if it is done in preparation for the following evening or day. As we shall show, *hachanah* is of Scriptural origin, but the Talmud debates the extent of the original Scriptural restriction. In one view, it is forbidden Scripturally to prepare on *Yomtov* for *chol*, a weekday following it. When *Yomtov* is followed by *Shabbos*, it is considered *kedusha aches*, a single extended holy day, in this respect. Another explanation is that preparing for *Shabbos* is classified as a *tzorech ochel nefesh* of the same day of *Yomtov*. In the other view, *hachanah* is always forbidden Scripturally, regardless of whether the following day is *chol* or *Shabbos*.

The basis for the restrictions on *hachanah* is the Torah's terminology regarding the *mohn*. The *mohn* did not fall on *Shabbos* or *Yomtov*. The food for *Shabbos* or *Yomtov* had to be *muchan*, prepared or ready for consumption or use, before *Shabbos* or *Yomtov* began. Had it fallen on *Shabbos* or *Yomtov*, that *mohn* would not be considered *muchan*.

This poses a problem with regard to a *Shabbos* immediately following a *Yomtov*. One needs to prepare some food close to *Shabbos*. To allow for preparations when *Erev Shabbos* is a *Yomtov*, the Rabbis instituted the *eruv tavshilin*. Some food that has been prepared ahead for *Shabbos* before *Yomtov* begins is set aside on *Erev Yomtov*. A declaration is made that this begins the cooking preparations for *Shabbos*, and that they shall be continued on *Yomtov*. Most poskim require one cooked food and one baked food, initially. [*Eruv*, mixing, is 'borrowed' from other *eruvim*, or it 'mixes' *Yomtov* and *Shabbos*.]

For those who consider *hachanah* a Scriptural restriction, even on *Erev Shabbos*, how would a Rabbinically instituted *eruv* help to bypass it? If *Hachanah* is indeed forbidden, when doing real *melacha* intended for the next day there is no *tzorech ochel nefesh* dispensation. Thus, one has also desecrated *Yomtov*!

To begin with, normal preparations need not be Scriptural *hachanah*. It depends on whether the food prepared is indeed kept for the next day. There is always the possibility that the food that was prepared for the next day will be needed for the same day's use. For example, unexpected guests could arrive late in the day. Since if this happened, the *hachanah* would be rendered non-*hachanah*, one could not be held liable for the *melacha* activities or for *hachanah*, Scripturally, even if the guests never materialized. The Talmud calls this '*ho'il*'. This logic is used to exempt one from penalty for violations, after the fact. *Ho'il* does not permit *hachanah* outright. There remains a Rabbinical ordinance,

no matter what, based on intent. However, it may be used when an *eruv* was set. Since *hachanah* is not necessarily forbidden Scripturally, the Rabbis instituted the *eruv* to alleviate their own ordinance extending *hachanah* Rabbinically. *Ho'il* could only work if the food is prepared in time to be used that day. One could not put raw food on the stove close to *Shabbos* and claim that if a guest showed up then he would eat it!

A second concept is based on the assumption that the source for *hachanah* is the *mohn*. The Torah permits preparing *mohn* that had fallen before *Yomtov*. Since it is '*muchan*', albeit raw, its further preparation is not forbidden Scripturally. Cooking it is forbidden Rabbinically. This can be suspended by the *eruv tavshilin*.

Assuming *hachanah* for *Shabbos* is Rabbinically forbidden, the Talmud gives two viewpoints on how *eruv* permits it. One approach is to say that *hachanah per se* is not really forbidden on *Yomtov* when done for *Shabbos*. However, in the preoccupation with preparations for *Yomtov*, one might not honor *Shabbos* adequately. As a reminder to prepare enough food for *Shabbos*, one sets aside an *eruv* while still in the midst of preparing for *Yomtov*. To ensure the institution of *eruv tavshilin*, the Rabbis forbade *hachanah* without one. Thus, the *eruv* is the cause of *hachanah*, rather than its effect.

The other approach is that the Rabbis were concerned. Because *hachanah* for *chol* is Scripturally forbidden, there is a risk that people will confuse the two *hachanos*. If *hachanah* on *Erev Shabbos* were permitted, they would do it for *chol* as well. Therefore, there was a need to forbid *hachanah* for *Shabbos* Rabbinically, in its own right. At the same time as this institution, they also instituted the *eruv tavshilin*. Now, people will know that *hachanah* is forbidden, but that with the *eruv* they will have nominally begun preparing for *Shabbos*. This way, the Scriptural restriction is reinforced. [See *Shabbos* 14b *Eruvin* 21b 38a 46b *Psachim* 46b-47a *Yuma* 28b *Beitza* 2b 15b etc., *Poskim*. *Rmab*. hl. *Yomtov* 6:1-2, commentaries. *Tur Sh Ar OC* 527, commentaries.]

### **C) Who is included?**

In our case, the person doing the main preparations for the *kiddush* has made her own *eruv tavshilin*. Do the other people helping her also need an *eruv tavshilin*? Does her *eruv* cover the helpers? Does it make any difference whether the food is all in the *shul* ahead of time? Does it make any difference whether the food belongs to the *shul*, the people bringing it to the *shul*, or the person in charge?

Each person who plans to do any type of *hachanah* for *Yomtov* should be required to make an *eruv tavshilin*. However, according to at least some of the reasons given, the *eruv* is really only required for those who plan to cook. The *poskim* discuss whether any other *melacha* should necessitate an *eruv*, such as kindling *nairos Shabbos*. Someone might be eating all of the meals as a guest, but kindling his or her own *nairos*. The *poskim* say that the *mitzvah* is for each person to make their own *eruv tavshilin*. One may appoint a *shliach*, agent, to prepare it for him. Since it is a *zechus*, advantageous, one may appoint himself to include any other people in his own *eruv*. Since the idea is to set aside some prepared food as the beginning of *Yomtov* cooking, the food must belong to the person for whom the *eruv* is made. Therefore, there must be a *zechia*, transfer of partial ownership. The person making it gives it to a neutral third party to acquire it on behalf of those who are to be included.

The common practice is that a householder makes one *eruv*. This works for himself and his wife and other family members. There is some debate on the reason for this. Some attribute it to the fact that they all eat the food of the homeowner. Accordingly, it would apply to others who work in the home, if they eat the same food. Others say it is because the family members could not be designated as *zochim*, to acquire the *eruv*. They all 'own' the same food since they are all part of his household. They cannot act as neutral third parties. Accordingly, anyone else who could act in this capacity would be excluded from the householder's *eruv*. These two possibilities can also affect other scenarios. If two people share a kitchen but cook their food separately, each needs his own *eruv*. If they share food, one makes an *eruv* for both of them. The poskim discuss whether this also applies to guests who join the home for *Yomtov*. If they all eat the same food, it is assumed that they may cook relying on the main *eruv*. If they cook food of their own, are they like members of the family, or like partners with separate food?

In our case, the helpers are all independent of the person in charge. However, all the food is shared by the *shul*. Assuming that the person in charge of the preparations is authorized by the *shul* to do all the preparing, she may make an *eruv*. May she rely on her own *eruv*? She owns a share of the food in the *shul*. Thus, her private *eruv* should permit her to prepare for the *shul* as well. She is also preparing for herself. May the helpers cook based on her *eruv*? If they made their own *eruv*, and they also own a share in the *shul*'s food, they may rely on that *eruv*. To be safe, the person in charge should make an *eruv* with *shul* food and be *mezakeh* it to all helpers, specifically. To make it easier, she should be *mezakeh* her own *eruv* to the *shul*, along with anyone else she wishes to include. What if the food is being brought in on *Yomtov* by the helpers? We must assume that this is food donated to the *shul*. Once it has arrived, those working there may prepare based on their share in it. Before it arrives, it would seem to belong to the donors. To carry it (if there is no *eruv chatzeros*) they need to rely on their own *eruv*. Perhaps, since they have an *eruv* of *shul* food, in which they have a share, they may rely on that for themselves as well. Alternatively, when they purchased the food, they intended to acquire it from the store on behalf of the *shul*. Since they eat from the *shul*, they could be included in the *shul* *eruv*. However, all of this assumes that a non-member of a household can be included in the house *eruv* just because she eats there. We mentioned that this is debatable. [See Beitza 16b, Poskim. Tur Sh Ar OC 527:7-12 20, commentaries.]

In conclusion, the person in charge should make her private *eruv* and be *mezakeh* the food to the *shul* and to any person who plans to help.

### כתיבה וחתימה טובה

**Sponsored in memory of Freida Ungar, Rivka bas Yisroel a"h, whose *yahrzeit* is on the 2<sup>nd</sup> of**

**Tishrei. ☞**

**Sponsored in memory of Reuven Shmuel Mordechai ben Chaim Yitzchok Silver z"l, whose**

***yahrzeit* is on the 5<sup>th</sup> of Tishrei. ☞**

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