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Eruv Tavshilin Part Two

Reviewed by Horav Shlomo Miller

The Time One May Begin Preparing for *Shabbos*

It should be noted that the *eruv tavshilin* only permits one to start preparing for *Shabbos* on *Erev Shabbos*. Therefore, when the first day of

Yom Tov is Thursday, the *eruv tavshilin* permits cooking on Friday for *Shabbos* but not on Thursday for *Shabbos*.⁶

The Time by Which the Preparations for *Shabbos* Should be Completed

At the beginning of this article we mentioned the *machlokes* between *Rabbah* and *Rav Chisda* as to why there is no *Torah* prohibition against cooking on *Yom Tov* for *Shabbos*. We discussed that according to *Rabbah*, the only time there is no *Torah* prohibition is if the food being cooked is fit to be served to guests who may come on *Yom Tov*. Only in such a case where the cooking may be considered for the sake of *Yom Tov* was it permitted. Consequently, one should see to it that all food be completely cooked at least a short while before sunset. Some communities have a custom to either light *neiros* or *daven* a bit earlier on *Erev Shabbos* in such a case to ensure that the food will be completely cooked in time. Although an *eruv tavshilin* has been made, the *eruv tavshilin* only permits activities that are permitted *Mideoraisa* as explained above. In cases of necessity, if one did not finish cooking the food by sunset, some *poskim* permit one to rely on *Rav Chisda's* rationale which permits *Shabbos* needs to be performed on *Yom Tov* in all circumstances.⁷

One Who Forgot to Make an *Eruv Tavshilin*

One who forgot to make an *eruv tavshilin* may not cook on *Yom Tov* for *Shab-*

Last issue we discussed the basic concept of *Eruv Tavshilin* and the reason for its enactment. We also discussed the principles of the *eruv* - "Since", and צרכי שבת נעשין ביום טוב—needs of *shabbos* may be performed On *Yom Tov*, and their halachic ramifications. Additionally, we discussed in detail the preparation of the *Eruv Tavshilin*, the proper time to make the *Eruv Tavshilin*, and who is required to make an *Eruv Tavshilin*. We continue our discussion with some additional related halachos.

Activities Permitted Due To the *Eruv Tavshilin*

Melachos that are needed to be performed for the sake of preparing food (e.g. cooking, sorting, grinding, etc.) which are permitted when performed for *Yom Tov* itself, are definitely permitted to be done on *Yom Tov* in preparation of the *Shabbos* meal if an *eruv tavshilin* was made.¹

There is a major discussion amongst the *poskim* as to whether the *eruv tavshilin* permits activities that are not related to food preparation, but are being performed for the sake of *Shabbos*. Some are stringent in this regard, while the general custom is to be lenient. The following are some of the significant halachic ramifications of this question.²

A. Carrying a *Siddur*, *Machzor*, or *Talis* to *Shul* on Friday

May one carry a *siddur* or *machzor* to *shul* on Friday *Yom Tov* for use the next day on *Shabbos*? This question is subject to the above discussion. One who wishes to act stringently should use the *sefer* before sunset on Friday. Obviously, this option may not be practical for all types of items carried. The general custom is to be lenient in this regard.³

gently should use the *sefer* before sunset on Friday. Obviously, this option may not be practical for all types of items carried. The general custom is to be lenient in this regard.³

B. Rolling a *Sefer Torah* to its Proper Place, Tidying Up the House, Folding a *Talis* for *Shabbos*

The halacha regarding rolling a *Sefer Torah* to the *parsha* that will be *lain* on *Shabbos* is more lenient than the previous examples, since there is no *melacha*, other than *hachono*, involved in doing so. Indeed, there are some *poskim* who maintain that in this case even an *eruv tavshilin* is not needed. Those who wish to be stringent in this regard can delay rolling the *Sefer Torah* until Friday night or *Shabbos* morning. The same discussion also applies to tidying up one's house and putting away things that will no longer be used on *Yom Tov*. Similarly, folding a *new talis* on its creases (which is regularly permitted on *Shabbos* and *Yom Tov*) on *Yom Tov* for the sake of *Shabbos* is dependent on this discussion.⁴

C. Lighting *Neiros*

There is a *machlokes Rishonim* whether an *eruv tavshilin* is needed altogether to permit one to light *neiros* on *Yom Tov* for *Shabbos*. Preferably, one should be stringent in this regard and make an *eruv tavshilin*. The custom is to make reference to the act of *hadlakas neiros* in the proclamation that is recited when making the *eruv tavshilin*.⁵ See above regarding reciting a *brocha*.

Please Note: Due to the intricacy of the material discussed in each issue, and the brevity of its treatment, a *Rov* should be consulted for a final *psak halacha*. In addition, this publication does not intend to be מכריע on issues that are *machlokes haposkim*. Although we have usually brought the dissenting views in the footnotes, we have selected for simplicity sake to incorporate into the main text the views of the *Mishnah Berurah*, R' Moshe Feinstein, R' Shlomo Zalmen Auerbach and several other preeminent *poskim*. Please send all questions and comments to 1341 E. 23rd Street, Brooklyn, NY 11210 or email to halachaberurah@thekosher.net

bos. Furthermore, other people who *did* make an *eruv tavshilin* may not cook his food for him. They may, however, cook their own food and give it to him as a present. In such a predicament, a possible option may be for *him* to give *them* his food as a gift. They can acquire it by lifting it up, and are then permitted to cook the food even in his house. (He himself, however, may not cook the food, even in this case where the food no longer belongs to him.) This option is often not practical, unless one has a close relative or friend who is willing to cook the food.⁸ In certain situations, there may be an option to make the *eruv tavshilin* on *Yom Tov* or to rely on a *Rov's eruv tavshilin*, which we will discuss in the following paragraphs. If none of these options are possible, one should consult a *Rov*.⁹

Making an Eruv Tavshilin on Yom Tov

In a situation where *Shabbos* follows a two-day *Yom Tov* and one remembers on the first day *Yom Tov* that he did not make an *eruv tavshilin*, he has a fairly simple solution. Prior to explaining the solution, it is imperative to have an understanding as to why we observe a two-day *Yom Tov*. In earlier times, there was a calendar doubt with regard to which day is the correct day for *Yom Tov*. During those times, the calendar days were determined by the testimony of witnesses on their sighting of the new moon. In many instances, word of *beis din's* decision as to which day the new month begins was not able to reach distant locations. Therefore, to avoid the calendar doubt, the observance of a two day *Yom Tov* was instituted. Nowadays, although we have a calendar system which determines the correct day of the week, the original institution of a two-day *Yom Tov* remains in effect.

Based upon this, the following solution exists. One can make an *eruv tavshilin* on the first day of *Yom Tov* with the following stipulation: "If today is in reality a weekday, I am hereby making an *eruv tavshilin* to permit me to cook tomorrow on *Yom Tov* for *Shabbos*. If today is really the correct day of *Yom Tov* and tomorrow is a weekday, no *eruv tavshilin* is required. No *brocha* should be recited. Once this stipulation is made, one may cook on Friday for *Shabbos*.¹⁰

Note: This stipulation would not help for *Rosh Hashanah*, since it was established as a two-day *Yom Tov* and is observed as two days in *Eretz Yisroel* and *chutz la'aretz*.¹¹

The Rov's Eruv

When making their *eruv tavshilin*, *Rabbonim* often include all the people in their *kehilla* who forgot to make their own *eruv tavshilin*. These people are included by a general statement made by the *Rov* when he makes the *eruv tavshilin*, even if the *Rov* does not have any particular person in mind.¹² One

kezayis of food suffices for an unlimited amount of people. Other people can be included in one *eruv tavshilin* provided that each person owns a portion of the cooked dish being used for the *eruv*.¹³ One of the *halachically* legal ways to enable someone to acquire an object without him actually being present and without his knowledge is by having a third party raise the object and acquire it on behalf of the other individual. Such an act of acquisition can only be done if it is beneficial for that person to acquire the object. This concept is called *זכין לאדם שלא בפניו*. Consequently, since it is beneficial for anyone who forgot to make their own *eruv tavshilin* to be a partner in the *Rov's eruv tavshilin*, the *Rov* has the power to include everyone in his *eruv tavshilin*. A third party would be needed to acquire it for those relying on it and the *Rov* would mention in the *eruv tavshilin* proclamation that he is including in his *eruv tavshilin* all *Yidden* who live in this city. The third party should preferably not be the *Rov's* wife or children who are dependent upon him for support. If there is no one else available, the *poskim* are lenient and permit their involvement.¹⁴

Chazal limited the *Rov's eruv tavshilin* to include only people who have forgotten to make their own *eruv* or were prevented from doing so due to circumstances beyond their control. Similarly, one who prepared an *eruv tavshilin* which was later lost may also rely on the *Rov's eruv tavshilin*. *Chazal* ruled that a person who forgets to make an *eruv tavshilin* more than once, may not rely on the *Rov's eruv tavshilin*.¹⁵ Some *poskim* limit this to an instance where one did not make an *eruv tavshilin at all* (i.e. he did not even make an *eruv tavshilin* on the first day of *Yom Tov* with a *tnai*) on two consecutive occasions. Others disagree and maintain that in all circumstances one may not rely on the *Rov's eruv tavshilin* if he has forgotten, even one time, to make an *eruv tavshilin* in the past.¹⁶

The *poskim* discuss to what extent *Chazal* limited the range of people who may rely on the *Rov's eruv tavshilin*. Many *poskim* maintain that anyone who did not make an *eruv tavshilin* due to his laziness or negligence may not rely on the *Rov's eruv tavshilin*. However, a significant number of *poskim* maintain that *lechatchila* any person may rely on the *Rov's eruv tavshilin* in order to avoid having to make their own *eruv tavshilin*. These *poskim* maintain that the entire preceding discussion of limiting the *Rov's eruv tavshilin* to include only those who forgot to make their own *eruv tavshilin* for the first time, only applies to someone who generally makes his own *eruv tavshilin*. Since such a person had no intentions of relying on the *Rov's eruv tavshilin*, he may only rely on it if it is the first time that he forgot to make his own. The *poskim* maintain that one should preferably be stringent in this regard, and *lechatchila* one should not rely on the *Rov's eruv tavshilin* unless it is an extenuating circumstance.¹⁷

The entire discussion regarding relying on a *Rov's eruv tavshilin* is only applicable where one did not ask the *Rov* before he made his *eruv tavshilin* to have him in mind, and the *Rov* simply had in mind to include whoever would want to be included in his *eruv tavshilin*. However, if one did explicitly ask the *Rov* to include him in his *eruv tavshilin*, according to all opinions, he may rely on the *eruv tavshilin lechatchila* since the *Rov* is considered his messenger.¹⁸

Relocating on Yom Tov

An *eruv tavshilin* only permits a person to cook on *Yom Tov* for *Shabbos* if he has access to the *eruv tavshilin*. Therefore, the *eruv tavshilin* must be placed in a location that is within one's *techum Shabbos*, for if it is not, one has no access to it as it is forbidden for him to walk to the location that it is in. Consequently, if one had to leave the place where he placed the *eruv tavshilin* at the onset of *Yom Tov* and he traveled beyond the *techum* (e.g. to a hospital located in another town), the *eruv tavshilin* is no longer valid for him. In a case of necessity, a *Rov* should be consulted.¹⁹

Cooking Extra For Yom Tov

One who did not make an *eruv tavshilin* on *Erev Yom Tov* and does not have the option of relying on the *Rov's eruv tavshilin*, is permitted to cook extra food for the *Yom Tov* meal and leave over food for *Shabbos*. It is even permitted to fill additional pots with food, even if he does not need all that food for *Yom Tov*. However, he must eat a bit of food on *Yom Tov* from each of the additional pots. Otherwise, he is clearly cooking the food for *Shabbos*, which is forbidden. Additionally, each pot must contain a different type of food, for if it is the same type of food, it is clear that such a large amount of one dish is not being prepared for use on *Yom Tov*, and since it is clear that it is being cooked for *Shabbos*, it is forbidden.²⁰

Obviously, this option is only possible where one remembers before the *Yom Tov* meal that he did not make an *eruv tavshilin*. Once he has already eaten the *Yom Tov* meal, all cooking that is done is clearly for *Shabbos* and is forbidden.²¹

Living Beyond the Techum Shabbos of a Jewish Community

At the beginning of this article we mentioned the *machlokes* between *Rabbah* and *Rav Chisda* as to why there is no *Torah* prohibition against cooking on *Yom Tov* for *Shabbos*. We discussed that according to *Rabbah*, the only time there is no *Torah* prohibition is if the food being cooked is fit to be served to guests who may come on *Yom Tov*. Only in such a case where the cooking may be considered for the sake of *Yom Tov* was it permitted.

It would seem that a case where this is not applicable is with regard to a person who lives beyond the *techum Shabbos* of a Jewish community and the possibility of guests arriving on *Yom Tov* does not exist. The fact that one may become hungry himself and want to partake in the food is not taken into consideration by *Rabbah*, since in general, a person is full after completing the *Yom Tov* meal. Thus, in such a situation, the preparation of the food should be considered as if it was clearly done for *Shabbos*, which is a *Torah* violation.²² This situation is common by hotels which are located outside of the *techum* where all of the people on premises eat the regular *Yom Tov* meal there and are no longer hungry afterwards.

Thus, the following question arises: What *heter* is there to cook for *Shabbos*? Some *poskim* maintain that there are grounds to say that the principle of the *hoail* still applies in such a case, and that it would permit food preparation for *Shabbos*. (See footnote for a discussion of this point.) Additionally, we discussed earlier that according to *Rav Chisda's* opinion, preparations for *Shabbos* may be performed on *Yom Tov* in all instances as long as an *eruv tavshilin* was made. We mentioned that the *poskim* maintain that one may rely on this opinion in extenuating circumstances. Such a situation (i.e. a hotel) is definitely considered a case of extenuating circumstances and it would thus be permitted to be lenient in this regard.²³

Cooking Kitniyos or Gebrochts on Pesach for the Shabbos Following Pesach

A common question arises when the last day of *Pesach* falls out on *Erev Shabbos*. *Ashkenazim* refrain from eating *kitniyos* – legumes on *Pesach*, but it is permitted to keep *kitniyos* in one's home on *Pesach*.²⁴ Is it permitted for an *ashkenazi* to prepare a *cholent* containing beans on the last day of *Yom Tov* to be eaten on *Shabbos*? One may not use his *chomitzdike* pots to cook on *Pesach*, and this question is dealing with a case where the cooking is being done in a non-*chomitzdike* pot.²⁵ The question is as follows. Although one is not permitted to eat the food when he is cooking it, does an *eruv tavshilin* permit him to cook such food for use on *Shabbos*?

The *poskim* discuss the case of a person who accepted upon himself to fast on *Yom Tov* and wishes to prepare food on *Yom Tov* for *Shabbos*. The *Rema* rules that in such a case an *eruv tavshilin* does not permit the person to cook on *Yom Tov* for *Shabbos*. Many *Acharonim* question the *Rema's* ruling, since the underlying reason to permit cooking on *Yom Tov* for *Shabbos* altogether is the fact that the food being cooked is fit to be served to guests who may come on *Yom Tov*, and since the cooking is considered for the sake of *Yom Tov*, it is permitted. Here too, if guests were to come on *Yom Tov*, they would be

able to partake in the food that was prepared, even though he cannot because he is fasting. The *Mishnah Berurah* maintains that since these *Acharonim* have presented a sound argument, one who does not have the option to be stringent and have others cook on his behalf may be lenient and do the cooking himself.²⁶

Some *Acharonim* maintain that even the *Rema* was only stringent in a case where the person cooking cannot partake in any food. However, if he is only unable to eat certain foods, he is permitted to cook even those foods because of the *eruv tavshilin*. For example, if a person ate meat and cannot eat dairy foods until six hours have past, he may still cook dairy items for *Shabbos*.²⁷

Accordingly, many *poskim* maintain that one is permitted to cook *kitniyos* for *Shabbos* in areas that *sefardim* frequent, and there is a possibility that *sefardim* who eat *kitniyos* may arrive as guests. In areas where such a possibility is unlikely, one should be stringent in this regard.²⁸

One who is does not eat *gebrokts* on *Pesach* may definitely be lenient and cook *gebrokts* for *Shabbos* if an *eruv tavshilin* was made. Refraining from eating *gebrokts* is only a *chumra* that some have accepted upon themselves and it is very common that guests who are not stringent in this regard may arrive.²⁹

מראה מקומות

דאם ישראר התבשיל על האש עד יום השבת אז ישרף המאכל, והמקום עיון שאף שהקטנת האש י"ל שהוא רק דרבנן כיון שהוא מלשוא"ג וא"כ אפשר שא"צ לסברת הוואיל אלא להודיר איסור דאורייתא כדמשמע מגמ' פסחים מה' מ"מ ע"י ברע"א הג"ל שתולה ע"ה בהוואיל אף שהוא דרבנן, ואולי שאני הכא, וצ"ע. ותו ע"י בר"ן מס' שבת דף סא. מרפי הרי"ף שבכ"יבו יש להחמיר כמו איסור דאורייתא ע"ש לענין מקום פסידא, ויל"ע אם שייך זה כאן, מ"מ בודאי יש לצרף לספיקות הג"ל שיטות הפוסקים שצרכי שבת נעשין ביי"ט שפי"ב זה פשוט שמוחר, וע"י ששי"ב א"כ בהערות שם שהביא שהגרש"ז אוירבאך החמיר בזה.

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1. בשו"ע ס' תקכ"ח טע"י ב' איתא: יו"ט שחל להיות בע"ש אין מערבין לא עירובי חצירות ולא עירובי תחומין, ובהניגא שם איתא אפילו הניח עירוב תבשילין, ובמ"ב שם סק"ג הביא הטעם שכתב המג"א בשם הרי"ן העירובי תבשילין אינו מתיר אלא לתקן צרכי סעודה לצורך מחר, ע"ש. ומש להדיגיש שלשון הרי"ן משונה קצת ומה שהביאו הפוסקים בשמו, שלשון הרי"ן הוא דלא שרי עירובי תבשילין אלא דבר שהוא "דומה לתיקון סעודה" כיון שאפיה ובישול, עכ"ל. וע"י בתשובת הגרש"ז אוירבאך שנרפסה בסוף ספר עירוב תבשילין העירוב ח"א י"א. אג. שרייך כן מלשון הרי"ן והסביר ע"י"ז למה מתיר הרי"ן להדליק נירות ביי"ט ע"י עירוב תבשילין, ובפשוט מותר אפילו בשאינו מואילק במקום שאוכל, והוא משום דכל הנאת הגוף דינו כאוכל נפש, וזהו כוונת הרי"ן במש"כ "דומה לתיקון סעודה, ע"ש, וא"כ יהיה מותר להדליק גם בחדרין שלא אוכלים שם. וע"י מש"כ בפרושי המשניות והרמב"ם במס' ביצה דף כא ע"ב בענין חימום מים להחיצת גוליו אם נחשב כאוכל נפש ויחא מותר אף למ"ד רלית ליה מתוך, ע"ש. וע"י מ"ב ס' תקי"א סק"א יד"א דכל הנאת הגוף בכלל אך אשר יאכל וכו' ע"ש. וע"י מה שכתבנו לקמן שאולי יש לדייק דיוק אחר בהר"ן.

2. ע"י מה שכתבנו בציונים לקמן.

3. ע"י בחידושי רעק"א בסי' תקכ"ח.

4. שכתב טעם אחר ממה שהבאנו בציון לעיל דאין עירוב תבשילין מתיר עריכת עירובי חצירות ותחומין וז"ל: ע"ת אינו מתיר אלא מו דמותר ביי"ט לעשות לצורך עצמו מותר לעשות לצורך שבת, וגם דאפשר דיחיה לצורך יו"ט עצמו, דעירוב חצירות להיתר יו"ט צריך להיות קודם יו"ט, וגם המעשה דעירוב בודאי יו"ט לצורך יו"ט, דלא יהיה הטלטול ביומו כיון דלא היה מערב קודם, ככה"ג. דודאי לצורך שבת הוא, אין ע"י מתיר, עכ"ל. ולפי דברי רעק"א היה מותר לעשות אף שאר מלאכות כגון הוצאת סידור או מחזור לבהכ"ס. הגם שזה אינו לצורך סעודה, מ"מ ע"י שו"ת רעק"א בפסקי סוף ס' יו"ט שכתב שבעברתו מצא בשו"ת גו"ב מ"ת ס' כ"ה שהחמיר בענין חימום מקוה ביי"ט לצורך שבת אף אם הניח עירוב תבשילין כיון דלא חזי ליה ביי"ט שהרי אין טבילה ביום ולא מקלעי אשה רחוי ליה, מ"מ הדיגיש רעק"א שזה דומה שנודק הרי"ן ליתן טעם אחר מוכח דלא סבירה ליה כסברתהינן, ע"ש, וצ"ע בכונותו אם בא להחמיר או להקל דהיינו שלפני הרי"ן שלא נתן הטעם לאסור ע"י משום דלא שייך הוואיל משמע

5. שסבירא ליה דאפילו היכא דלא שייך הוואיל יהיה מותר אם הוא לצרכי סעודה, מ"מ לכאורה זה אינו שהטעם שהרי"ן לא כתב שלא שייך היתר של הוואיל לרבותא נקט שאין זה שייך כלל לענין ע"ת שהוא להיתר צורך סעודה, ולכאורה כוונת רעק"א להחמיר שאפילו אם היה שכיח שמקלעי אשה לטבילה מ"מ היה אסור כיון שבשול אינו לצורך סעודה, מ"מ גם ע"ז יש לעורר שאולי אף להרי"ן היה מותר דעי' לעיל מה שדקדק הגרש"ז אוירבאך בלשון בר"ן שכתב שעת' מתיר דבר שהוא "דומה לתיקון סעודה", וכתב הגרש"ז שבה לכלול כל דבר שהוא להנאת הגוף, וע"י רמב"ם בפירוש המשניות שמוכח לעיל בענין רחיצה שנחשב הנאת הגוף כמו הדלקת נירות, מ"מ לשיטת הרי"ן גופא א"א לומר שמתיר מטעם שרחיצה נחשב הנאת הגוף שעי"ש ברף כא. שכתב שהיתר רחיצת חמין לרחיצה ביי"ט תלוי אי אמרינן מתוך, מ"מ עדיין י"ל שגם הרי"ן יודה שעי"י עירוב תבשילין היה מותר לחמם מים לרחיצה בשבת לולי שלא שייך סברא של הוואיל כמו שכתב הגו"ב ואף שאינו ניצורך סעודה מ"מ אולי כוונת ר"ן כמה שכתב דבר שהוא "דומה לתיקון סעודה" בא לכלול כל מלאכה שדרך לעשותו לתיקון סעודה מותר גם לשאר דברים דאמרינן מתוך וע"ת מתיר גם צרכים שמוחר מטעם מתוך כיון שהם דומה לתיקון סעודה, ואולי זוהו כוונת הנוב"י, וצ"ע בכונת רעק"א.

6. ולענין הלכה נראה שמנהג העולם להקל בהוצאת סידור או מחזור לצורך שבת, וע"י בספר עירוב תבשילין הערוך שהאר"ך בזה בסי' ג'. ושמועתי מהגר"ש מילר שלי"א שאולי המנהג להקל הוא משום שלענין הכנה קיל הוצאה משאר מלאכות, ע"י מ"ב ס' תרס"ז סק"ה שבשעת הדחק שלא ימצא כליליה יין בקל מותר להביא יין מיו"ט לחבירו רק שצריך להביאו בעוד יום גזול שלא יהא מוכח שהוא לצורך מחר וגם לא יביא כדרך שנושא בחול, ע"ש, והוא מהחיי אדם, וע"ש בפנים שמשמע שגם ע"י הוצאה מותר (ואולי הטעם משום שבמלאכת הוצאה לא נעשה שום שינוי בהחפץ ולכן קיל משאר מלאכות לענין הכנה), ולכן, אף שלא מקילין בזה אלא בשעה"ד ולצורך מצוה, מ"מ ע"י עירוב תבשילין י"ל שמותר אפילו בלי שום שינוי.

7. יל"ע אם מותר להקטין האש ביי"ט כדי שלא ישרף התבשיל בשבת, דלא שייך הוואיל כ"י האי גוונא כיון דע"י הלילה המאכיל יהיה ראוי לאכול, רק

