



## Overview

## Halacha Highlight

### Siman 393 Seif 1:

### Making an *eruv* after accepting an early Shabbos

We do not make an *eruv chatzeiros* or a *shitufei mevo'os* on Yom Tov that falls on *erev* Shabbos. If one forgot and did not make an *eruv* on *erev* Yom Tov and the two days of Yom Tov fall on Thursday and Friday, he should make an *eruv* on Yom Tov with a condition. He should declare, "If today is a weekday, this should be an *eruv* but if today is sacred, my words have no meaning." The next day he declares, "If today is sacred, I made an *eruv* yesterday and if today is a weekday, this should be an *eruv*." This is effective for two days of Yom Tov but on the two days of Rosh HaShanah it is not effective since they are one long day (See below *siman* 528).

Shulchan Aruch Siman 393 Seif 2  
ואפילו אם כבר קבל עליו תוספת שבת

#### Even if one accepted upon himself *tosefes* Shabbos

- ❖ If one mistakenly made an *eruv* it is not clear whether it is effective. (M.B. 1)
- ❖ It is made without a *beracha*. (M.B. 4)
- ❖ He should use the same bread. If he uses another loaf of bread he must keep both of them until it is dark on Shabbos night since either one may be the *eruv*. (M.B. 6)
- ❖ The prohibition of making an *eruv* on Yom Tov applies even if one made an *eruv tavshilin*. (M.B. 8)

Shulchan Aruch (סעי' ב') rules that it is permitted to make an *eruv chatzeiros* or *shituf mevo'os* during the period of *bein hashemashos*, even if one accepted Shabbos early. However, there are other authorities who adopt a stringent position about this matter and maintain that one may not make an *eruv* or *shituf* once he has accepted Shabbos, even though it is before *bein hashemashos*. Mishnah Berurah (ס"ק י"ב) indicates that we subscribe to this position and directs our attention to what he wrote in the Biur Halacha *siman* 261:4. Biur Halacha there notes a contradiction between two rulings of Shulchan Aruch. In our context Shulchan Aruch presented the lenient opinion (סתם) and the stringent opinion in the name of other authorities (ויש אוסרים) which indicates that he subscribes to the lenient position. However, there Shulchan Aruch ruled that one may not make an *eruv* after saying *borchu*, even though it is not yet *bein hashemashos*.

### Siman 393 Seif 2:

One suggested resolution, he cites in the name of numerous authorities, is that in our context Shulchan Aruch refers to an individual who accepted Shabbos early and such a person may make an *eruv* after accepting Shabbos provided that it is not yet *bein hashemashos*. In the other context Shulchan Aruch referred to where the community accepted Shabbos early with the recitation of *borchu* and in such a situation he adopts a stringent position that one may not make an *eruv* once the community accepted Shabbos. Dagul Merivavah (גליון שם) answers that in our context Shulchan Aruch refers to one who accepted *tosefes* Shabbos so that all he accepted was an *איסור עשה* and thus there is room for leniency concerning something that is only Rabbinically prohibited. In the other context the recitation of the word *borchu* constitutes an acceptance of the sanctity of Shabbos in its entirety and consequently he is restricted even by the Rabbinic injunctions.

An *eruv chatzeiros* and *shitufei mevo'os* may be made during *bein heshamashos*, even if he already accepted *tosefes* Shabbos. Some prohibit making an *eruv* if he accepted Shabbos.

- ❖ Once he explicitly accepted Shabbos it is treated more stringently than *bein hashemashos* which arrives on its own. (M.B. 11)

### Siman 393 Seif 3:

If one made an *eruv* for two people, for one he made the *eruv* during the day and it was eaten during *bein hashemashos* and for the second person he made the *eruv* during *bein hashemashos*, both *eruvim* are effective. Regarding the one whose *eruv* was eaten during *bein hashemashos*, we are concerned that it is night and regarding the one for whom the *eruv* was made during *bein hashemashos*, we are concerned that it is day. If he made an *eruv* during *bein hashemashos* and it was eaten during *bein hashemashos*, it is prohibited.

and their circumstances are contradictory, nevertheless, since *eruvim* is Rabbinic we can adopt each lenient position. (M.B. 15)

- ❖ Two different people made him their agent to make an *eruv* for them. (M.B. 13)
- ❖ Even though he was the agent for these two people

- ❖ We are not so lenient that we would divide the period of time into two parts for one person. (M.B. 16)