

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמדם
"חוקי חיים"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Dinim of City Eiruv 1

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שע"י "הדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם טובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos Regarding a City Eiruv – 1

Vayigash 5784

315

City Eiruv: Pros and Cons

Complex, Sensitive Topic

1. Hilchos eiruvim are some of the most difficult halachos of Shabbos, even for talmidei chachamim and poskim, and certainly for the general public. Because of this, many people know nothing about these halachos. On the other hand, much has been said about whether it is worthwhile to set up a city eiruv, and whether it is even possible to set up a city eiruv. The foremost poskim of the previous generation and our generation have discussed this, and there are many differences of opinion on the topic, both from the angle of strict halacha and the angle of hashkafa. Unfortunately, there is accordingly much machlokes in Klal Yisroel about this topic. We are not, ה"ו, inserting ourselves among the mighty giants of halacha, but rather laying out the topic to the public in order to magnify and glorify the Torah and to give a behind-the-scenes glimpse as to the considerations for whether or not to build an eiruv.

Keeping and Honoring the Shabbos

2. **Prevents issurim.** On the one hand, the poskim praise the advantage of an eiruv, and it is a mitzva to try to make eiruvei chatzeiros (שר"ע סי ש"ו) in places where it is possible to do so, as this generally saves the public from chillul Shabbos through carrying (מרדכי עירובין דף ס"ה, ש"ח, ש"ח) (דברי חיים א"ח סי ל"ג). It is very hard to keep all of one's small family members from carrying, and the adult members are also pained when they accidentally violate the issur of carrying (מ"ב סי ש"ו סקע"ח). The bracha on an eiruv is "על מצות עירוב" because the setting up of an eiruv itself is a mitzva for these reasons (שו"ת חת"ס א"ח סי צ"ט) (שו"ת חת"ס א"ח סי צ"ט).

3. **Honor of Shabbos.** Also, there is often a mitzva of kavod and oneg Shabbos not to have one's hands tied and unable to carry things in or out (פמ"ג סי ר"ס א"א סק"ג). An eiruv enables one to bring his seuda needs from one house to another, to stroll with his small children who are in strollers, and the like. This falls under the posuk of "וקראת לשבת עונג" (פרישה סי שצ"ה סק"א). It is certainly a big help to the elderly and ill who can gain much from leaving the house.

Pitfalls

4. **Concern for mingling.** On the other hand, there are sometimes pitfalls that can come about from having an eiruv. With an eiruv, women stroll on the streets much more often with their strollers, and men and women gather outside the shuls and simcha halls, leading to mingling and violation of issurim.

5. **Eiruv boundaries.** High-level eiruvim usually enclose neighborhoods or specific areas of cities, not entire cities. People sometimes cross the boundaries due to lack of awareness or forgetting. Guests are also unaware of the boundaries. This can easily lead to the issur of carrying.

6. **Constant oversight.** Also, eiruvim must have constant oversight. They usually consist of many tzuros hapesach [doorframe-shaped structures] made with string that can easily become posul during the week, e.g., by tearing due to weather conditions, local construction, and the like. Even a high-level eiruv built in the best possible manner by talmidei chachamim with yiras Shomayim may not be relied on whatsoever without ongoing supervision each week. Thus, even when an eiruv is built, it must be done in a way that it can easily undergo constant supervision.

From the Halachic Angle

7. The main halachos of eiruvim were relevant to the olden day layout of houses, courtyards, alleys [מבואות], and streets. There used to be several houses in a single courtyard and several courtyards in a single alley, making it easy to set up a high-level eiruv according to all opinions. Today, however, most houses are on streets; streets are

much wider and bigger than they once were; and there are major roads that go through entire cities and are traversed by 600,000 people, constituting a reshus horabim d'oraisa according to all opinions, which an eiruv does not help whatsoever. This is besides the discussion of whether it is even possible to make an eiruv in a large city with a population of 600,000. בעזה"ש, we will cite the opinions on this in the coming issue.

8. Also, an eiruv usually spans a large area that includes big open areas not meant for residence [called קרפפים; singular is קרפף]. Because of all this, it is almost impossible to build a high-level eiruv that will satisfy all opinions.
9. Despite this, rabbanim responsible for building high-level eiruvim will search for all tactics to satisfy as many opinions as possible and not rely on a lone opinion or questionable logic. Still, the reality is that some opinions of the Rishonim must always be compromised. Thus, there is always some room to be machmir even when there is an eiruv.

Decision Makers

10. **Community rabbanim.** When a community discusses whether to set up an eiruv in the city, the rabbanim, leaders, and decision makers must wisely weigh the factors on both sides, both the pros and the cons; understand the needs of the tzibbur; and assess the local urban environment. This will allow them to consider with seriousness whether it is possible and worthwhile to set up a high-level eiruv.
11. **Submit to their decision.** After they come to a decision, the community must accept and respect the decision of the community leaders. People must not, ה"ו, damage, tear, or otherwise ruin the kashrus of the eiruv, as doing so causes others to violate the issur of carrying. Similarly, one should not cause an eiruv to be posul through various sly tactics, e.g., by refusing to acquire a share in the bread meant for the eiruv or the like. These are not actions a person takes in avodas Hashem, but in serving himself when he is angry that his opinion was not the accepted decision. If one's intentions were l'sheim Shomayim, he would not cause others to do chillul Shabbos. Because he removed himself from the group, he rejected the truly important thing.
12. **Personally machmir.** Even when there is an eiruv, that does not obligate everyone to carry; as we pointed out, there is still room to be machmir. Thus, if a scrupulous person wants, he can be personally machmir, but he shouldn't, chalila, prevent others from using an eiruv. Similarly, a man with a family must consider whether it is worthwhile to stop his family from carrying, as one must give chinuch according to a child's path, and sometimes a person's household members and children do not fall under the category of scrupulous people [בעלי נפש].
13. **Multiple communities in a city.** Also, when a city has multiple communities, some which use the eiruv and some which do not, one community should not belittle the other. Each should conduct itself according to its leaders and rabbanim with mutual respect for each other. One may not, ה"ו, prevent others from coming to shul or getting aliya because they use the eiruv. After all, we do not stop people from getting aliya when they violate the issur of lashon hara, are steeped in machlokes like Korach and his assembly, or are not careful about sof zman krias Shema and tefilla...

In Eretz Yisroel

14. **In Eretz Yisroel.** It is accepted that in Eretz Yisroel, nearly every place – whether a big city or small moshav – is enclosed by an eiruv. One just has to verify that the eiruv was prepared by expert rabbanim with yiras Shomayim before relying on it, as often, even when there is an eiruv, it was not made with meticulous adherence to halacha. Even when an eiruv is in a chareidi neighborhood, there is still room for a scrupulous person to be machmir, since it is not usually kosher according to all opinions, as will be explained later in this series.

In Chutz L'Aretz

15. **Caution in a place without an eiruv.** Most places in Chutz L'Aretz are not enclosed by an eiruv. When bnei Eretz Yisroel go to Chutz L'Aretz, they must remember that they cannot carry on the streets. They often forget this out of habit.
16. **Permission from the authorities.** An additional challenge in Chutz L'Aretz is that it is difficult to get permission from the authorities to erect poles, tzuros hapesach, lechis, doors, and the like on city streets and in public areas. Even when permission is obtained, it usually does not provide for everything the eiruv planners seek. Due to this, they must compromise greatly on halachic meticulousness.
17. **Non-Jew in the eiruv.** Also, non-Jews living within the area of an eiruv make the eiruv posul (שׂוֹרֵעַ סִי שְׂפִי"ו). To circumvent this, one must search for strategies and heterim to rent the houses from the non-Jews, e.g., through the police, a government representative, or the like. All this gets into serious shailos about the kashrus of the eiruv.
18. Still, there are places that did set up an eiruv for their community, and members of that community can rely on it. However, people who have a tradition not to establish an eiruv in a certain city or who are scrupulous people can be personally machmir not to carry in the eiruv.

Goal of This Series

19. **Whether to rely on an eiruv.** Thus, we are, בעזרה שׂוֹרֵעַ, starting a series of issues on this sensitive topic so that the general public can have basic knowledge of some essential concepts on the topic of eiruv. This way, one can have the foundation and background to be able to consider for himself, based on his personality and characteristics, whether a particular eiruv may be relied on and when it is proper to be machmir. One can also better understand the conduct of his community, based on its leaders, as far as relying on or opposing a certain eiruv.
20. **Knowing Torah.** There is also the general goal of acquiring knowledge in an area of Torah one was not yet exposed to. However, we are not, חו"ו, coming to make determinations whether any eiruv is kosher or posul. We are just laying out the topic as a "set table" before the reader.
21. We know from the outset that there will be comments and criticism on what we will write from people who do not find what we write to be precisely according to their feelings and opinions. Due to the great need to understand and know, we will nevertheless attempt, to the best of our ability, to present the matter in a moderate and balanced manner that can appeal equally to everyone, as the Torah speaks to four different types of sons...

Introduction, Eiruv Concepts

Since hilchos eiruvim comprise several principles and concepts, we will cite some here to serve as an introduction to the series. This will also be helpful for the coming issues.

Issur of Carrying

22. One of the 39 avos melachos is the melacha of carrying – it is assur d'oraisa to take items from a reshut hayachid out to a reshut horabim and to bring items from a reshut horabim into a reshut hayachid. It is also assur d'oraisa to carry items four amos within a reshut horabim. The melacha of carrying is derived from the work in the Mishkan, as the posuk says (שְׁמוֹת ל"ו, ו'), "Do not do more work ... and the people stopped bringing." Chazal learn from here that they did not carry anything from a reshut hayachid into the machaneh Leviya, which was a reshut horabim (צִיּוֹן דָּף ו' ע"א, צִיּוֹן ע"ב).
23. **Reshut hayachid to a reshut hayachid.** Mid'oraisa, one may carry from a reshut hayachid to another reshut hayachid. Mid'rabanan, however, one may not carry from a reshut hayachid to another reshut hayachid or from a reshut hayachid to a courtyard; this was a gezeira of Shlomo HaMelech (עירובין כ"א ע"ב), out of concern that it would lead to carrying from a house into a reshut horabim (בבב סק"ב).
24. **Takana of eiruvei chatzeiros.** Although one may not carry from one reshut hayachid to another reshut hayachid, Chazal decreed that if an eiruv is set up, it is mutar to carry from one reshut hayachid to another reshut hayachid. Eiruvei chatzeiros join the residents of all houses in a single courtyard, i.e., each person contributes bread, which is placed in one of the houses in the courtyard. When this happens, Chazal treat it as if they all live in the same house; it is like there are no separate residences at all. A person's primary residence is where his bread is, so when everyone's bread is in one place, it is like they all live there. We also view the whole area as if everyone lives everywhere, so the entire area is one reshut hayachid for everyone together, and they may carry throughout the whole area (מ"ב ס"ו סק"ד).
25. Similarly, bread can be taken; a share in its ownership can be given to each of the residents of the courtyard; and it can be placed in one of the houses in the courtyard. This takana of joining the residents of a courtyard is called "eiruvei chatzeiros."

26. **Shitufei mevo'os.** Eiruvei chatzeiros is when an eiruv is made for multiple houses in a single courtyard (above, 24). "Shitufei mevo'os" [lit., joining alleys] is when multiple courtyards which open up to an alley are joined with an eiruv of bread or other food (שׂוֹרֵעַ סִי שְׂפִי"ו). Similarly, shitufei mevo'os is needed to allow one to carry from houses to our streets today.
27. The eiruv we make today that surrounds multiple city streets is really shitufei mevo'os. Thus, the nusach of shitufei mevo'os must be said. If the nusach of eiruvei chatzeiros was said, it is posul even b'dieved (חזו"א ס"ו צ' סק"ד). The minhag today is to use bread, not other food, for shitufei mevo'os; this also works for the assembly of eiruvei chatzeiros (שׂוֹרֵעַ סִי שְׂפִי"ו).

Four Reshuyos

28. Chazal divided all domains into four categories. We must first understand the four separate reshuyos and what differentiates them. First, we will cite the main differences; later, we will continue with specifics.
29. **Reshut horabim.** A reshut horabim is an area dedicated for the public to travel through that is not enclosed by walls. There are several conditions for an area to get the status of a reshut horabim, e.g., it must be sixteen amos wide (גמ' שבת דף צ"ט ע"א, שׂוֹרֵעַ סִי שְׂמ"ה); it must not have a roof (גמ' שבת דף צ"ח ע"א, שׂוֹרֵעַ שֵׁם); and if it is within a city, it must go all the way through [מפולש] from one gate to the other (שׂוֹרֵעַ שֵׁם וּלְרוּב פּוֹסְקִים). There is a machlokes whether there must be 600,000 people passing through an area daily for it to be called a reshut horabim (see the coming issue for more details).
30. **Reshut hayachid.** A reshut hayachid does not mean an area owned by a private person. As long as an area is enclosed by walls at least ten tefachim high and has an area of at least four square tefachim, it is considered a reshut hayachid even if it belongs to the public, many people go there, and it is very large.
31. **Karmelis.** A karmelis is an area that is neither a reshut hayachid nor a reshut horabim, e.g., a sea, field, or the like. Mid'oraisa, it is considered a makom petur (see below) and there is no issur d'oraisa to carry items from it to a reshut hayachid or reshut horabim or to carry four amos within it. However, Chazal gave this type of area the status of a d'rabanan reshut and called it a "karmelis." There is an issur d'rabanan to carry from a karmelis to a reshut hayachid or reshut horabim; from a reshut hayachid or reshut horabim to a karmelis; and four amos within a karmelis.
32. **Makom petur.** There are some areas that are not even subject to a gezeira d'rabanan; they are called "makom petur," e.g., a post in a reshut horabim that is at least three tefachim tall and does not have an area of four square tefachim. One may transfer items from a reshut hayachid, reshut horabim, or karmelis to a makom petur, as well as from a makom petur to these reshuyos.

Eiruvei Chatzeiros in a City

33. We learn from the above that one may not carry from his house onto the city street or carry four amos on a city street unless he does two things together, each of which the Gemara calls an eiruv.
34. **Make the reshut horabim into a reshut hayachid.** First of all, the reshut horabim must get the status of a reshut hayachid, i.e., walls have to be put up around the area of the city, turning it into a reshut hayachid. In practice, though, there are many details and conditions, as well as many differences of opinion as to which type of "wall" – e.g., a real wall, a tzuras hapesach, a lechi, real doors – works for which type of reshut horabim. Sometimes, nothing can turn it into a reshut hayachid, in which case an eiruv will not work at all, as we will explain later in the series.
35. **Eiruvei chatzeiros.** Besides making a reshut horabim into a reshut hayachid, eiruvei chatzeiros (above, 24) or shitufei mevo'os (26) must also be set up, i.e., everyone living in the enclosed area must acquire bread with which an eiruv will be made (24). Then, it is mutar to carry within the area. One of these without the other is meaningless.

Additional Eiruv Concepts

36. **Karfef.** A karfef is an area not used for residence, e.g., an area with plants that cause people to avoid going there, an area used for storing merchandise or wood, or the like. If it has an area larger than a beis sosayim – 34 m² (הגר"ח נאה) or 40.6 m² (חזו"א) – it is considered a karmelis even if it is enclosed by walls.
37. An unwallied karfef within an eiruv enclosure makes the whole eiruv posul. Thus, any karfef must be individually enclosed by walls to remove it from the area of an eiruv and be considered its own space.