

# ליקוטי ופסקי הלכות "חוקי חיים"

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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 8

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# לוקוטי ופסקי הלכות "חוקי חיים"

ותלמוד  
"תוקף תנים"  
לעשות רצונך  
בלבב שלם



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

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Halachos Regarding a City Eiruv – 8

Mishpatim 5784

322

## Summary of the Halachos of a City Eiruv

- In the recent issues (315-321), we discussed at length the halachos of city eiruvim. We went through many fundamental principles so that the general public would have basic, essential information. Now, at the end of the series, we wanted to summarize the halachos and rules in a practical way for several types of eiruvim in existence.

### Levels of Care in Mitzvos

- Klal Yisroel is made up of many types of Jews. Even among those who are classified as Torah and mitzva observant, there are multiple levels of observance and care in mitzvos. The level of a person's care in mitzvos generally depends on multiple factors, e.g., family background, upbringing, character, location, level of yiras Shomayim, profession, community affiliation, degree of connection with Hashem, and the like. What everyone has in common is that we are in the world to constantly grow, improve, and become more and more connected to Hashem throughout our lifetime.
- The differing levels of care in mitzvos are expressed in many areas of Torah, but specifically in the topic of eiruvim. The kashrus of an eiruv consists of many components and parts, and each part is subject to many conflicting opinions and questions that aren't paskened one way or the other. There are all sorts of kulos and combinations of factors, and things depend on each person's outlook.
- Example of half a cup of water.** This can be illustrated with a cup half-full of water sitting in front of a thirsty person. On the one hand, it is half-full and can quench his thirst somewhat; on the other hand, it is only half a cup and will not quench his thirst completely. The thirstier he is, the less his thirst will be quenched with half a cup.

### Four Levels

- Laid-back/lite.** Some people are laid-back and have the perspective of being minimally yotzei. As long as there is a lone posek or opinion to rely on, they are happy to rely on it. After all, it is the opinion of one of the gedolim; if it is good for that gadol, it is good for them too.
- Ordinary.** Other people are more careful and do not rely on a lone opinion. However, whenever there is a balanced machlokes with poskim who are meikel and poskim who are machmir, they do not aim to be among the machmirim. As long as there are enough poskim to rely on, they are content relying on the meikilim even though there are also poskim who are machmir.
- Meticulous in mitzvos.** There are also people who are classified as meticulous in mitzvos who yearn for closeness to Hashem, e.g., bnei Torah and respected balabatim, who will follow the poskim who are machmir in a balanced machlokes and will not suffice with the half-full cup. They will search for a cup that is more than half-full, and they will not be meikel unless most poskim are meikel on the matter.
- Exceedingly machmir.** Then there are people who are exceedingly machmir. They are concerned for even a lone machmir opinion, and in practice, they will not act against even a lone machmir opinion.

### Various Levels of Kashrus of an Eiruv

- Area of the eiruv.** There are also multiple levels of kashrus of an eiruv; this depends on multiple points, as we will explain. One point is the area size of the eiruv. The greater the area of an eiruv, the harder it is

to initially set it up. There are more tzuros hapesach, walls, and gaps to oversee and fix. Thus, a neighborhood eiruv, which encloses a much smaller area, has a great advantage over a city eiruv.

- Size of the city.** Similarly, the size of a city is an important factor in the establishment and kashrus of an eiruv. If a city does not have 600,000 residents, there are fewer opinions that hold it is a reshuv horabim where an eiruv cannot be made. If a city has 600,000 residents, there are more opinions that hold an eiruv cannot be made, especially on the main roads used in the city (see Issue 316).
- Permits from the authorities.** Even when there is a desire to set up an eiruv of the highest level, sometimes people struggle to get permits from the authorities to put up walls, tzuros hapesach, doors, and the like to satisfy the level of kashrus necessary for the benefit of the community. Eiruv committees should be active and solicit the authorities to set up the highest level eiruv that is realistically possible.

### Population within the Eiruv

- Sometimes, the level of an eiruv's kashrus also depends on the varying levels of Jews living within the eiruv area or in the community setting up the eiruv. It is up to the judgment of the city Rabbanim or the community leaders in each place to determine whether to set up an eiruv and what its level will be. Also, when a different community sets up an eiruv, one must use their judgment as to how to pasken for each person within their community, all in accordance with the character and type of Jews they serve. We will give some examples.
- Majority laid-back, some ordinary.** If most of the community is laid-back (5) and there are some ordinary people (6), the eiruv committee would likely suffice with an eiruv whose kashrus is good enough for the majority of the community. It will be a basic level eiruv.
- Majority ordinary, some machmirim.** If living within an eiruv's area are a majority of ordinary people and a minority of machmirim (7), they would likely suffice with the level of the ordinary majority, i.e., the eiruv would be kosher according to many poskim who are meikel, even while there are many poskim who are machmir. It is about this level that the poskim say a scrupulous person should be machmir personally but one should not object to those who are meikel (מ"ב סי שמי"ה סקכ"ג). I.e., there is certainly room to be machmir, and that is appropriate for meticulous people to do, but at the same time, the ordinary ones who are meikel have basis to rely on. Therefore, one should not object to them, as objections should only be made when someone is clearly doing an aveira. When many poskim are meikel, one should not object.
- Common practice.** It should be noted that even when there is a balanced machlokes, sometimes the poskim [even the machmir ones] attest that the common practice is to be meikel and rely on the meikilim. In such a case, there is certainly room to rely on the meikilim, especially for people who lead their lives according to the mesora they have from previous generations and reinforce the practices instituted by Rabbanim from earlier generations. However, even when a city has an eiruv grounded in common practice, there is always room for a meticulous person to be personally machmir since there is no chiyuv to use an eiruv – even one on the highest level.



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## Cities without 600,000 People

### Reshus HoRabim D'oraisa

16. **16 amos, 600,000 people.** We cited (Issue 316, par. 6 and on) the machlokes Rishonim and poskim whether a reshus horabim d'oraisa requires two conditions, i.e., more than 16 amos wide and also 600,000 people passing through, or whether any place 16 amos wide is a reshus horabim d'oraisa even if it does not have 600,000 people, in which case an eiruv with tzuros hapasach alone cannot be made according to most poskim.
17. There is also a machlokes as to the Mechaber's opinion. It seems he is machmir (ש"י"ע סי' שמי"ה ס"ז), and the Rama seems to be meikel (סי' שמ"ז ס"ג). Many Acharonim are also meikel and attest that this is the common practice (316, par. 14; ביאור"ל סי' שס"ד ס"ב ד"ה ואחר; others are machmir (ibid., 15). The Mishna Berura concludes that a scrupulous person with yiras Shomayim will personally be machmir, but we do not have the ability to object to those who are meikel (ibid., 16).
18. Since nearly all streets today are wider than 16 amos (ibid., 5), already at the beginning of our path toward the kashrus of an eiruv on today's streets, we start with a machlokes among the poskim.
19. **600,000 in the city or on the street?** Even according to the meikel opinions, that an area is only a reshus horabim d'oraisa with 600,000 people, the poskim argue whether 600,000 people must pass through that specific reshus horabim (ibid., 18) – in which case even in big cities, many streets do not have the status of a real reshus horabim – or as long as there are 600,000 people in the city (19), all the major roads which serve a major part of the city's residents (20) are considered reshus horabim even if 600,000 people do not pass through them. According to the latter, many of the streets in a big city with 600,000 people in it cannot have an eiruv using tzuros hapasach alone.

### Big Cities

#### Yerushalayim Ir HaKodesh

20. **In the times of the Gemara.** Yerushalayim of old was a reshus horabim d'oraisa. The Gemara says (עירובין ו', כב., קא.) that were the doors of Yerushalayim not closed at night, one would be chayav for carrying in a reshus horabim. According to the Rishonim who require 600,000 people for a reshus horabim, the Old City of Yerushalayim alone must have had 600,000 people. Although it is unlikely that 600,000 people lived there [as there is no room – today the Old City only has about 40,000 residents], at times, tens of thousands of people came from outside, for a total of 600,000 people inside.
21. **Yerushalayim over the years.** Over the years, even when the new Yerushalayim metropolis extended to the neighborhoods outside the Old City walls and the eiruv was constantly expanded as neighborhoods were added, Yerushalayim did not have 600,000 residents. This is what the geonim and Rabbanim of Yerushalayim relied on to authorize an eiruv of tzuros hapasach alone: Yerushalayim was not a reshus horabim d'oraisa according to many opinions. We heard from multiple poskim of Yerushalayim that the day the population of Yerushalayim reaches 600,000, we must reconsider the heter of carrying in the Yerushalayim eiruv (מור"ד הגר"מ בראנדסדארפער בשם המנחת יצחק, הגר"ש"א).

#### Yerushalayim Today

22. **About a million residents.** Currently [5784/2024], the residents of Yerushalayim number close to one million – it is the biggest city in Eretz Yisroel. Accordingly, the shaila arose whether and how it is possible to rely on an eiruv of tzuros hapasach alone in a reshus horabim d'oraisa.
23. **Arabs are not included.** The poskim reasoned that the Arabs in East Jerusalem and other Arab neighborhoods are not included in the number of 600,000. The reason is that the main roads which serve the Jews in the center of the city do not serve the Arabs of East Jerusalem, and we generally do not use their roads due to the danger to life. Thus, they are not counted as residents of Yerushalayim for the purposes of eiruv. According to the statistics, they make up 40% of Yerushalayim's population. However, according to this calculation, Yerushalayim is still left with about 600,000 Jews, leaving the question in place.
24. **Ramot and the like are not included.** To this, some poskim explain that some neighborhoods in Yerushalayim, e.g., Ramot, which has over 50,000 people, and other neighborhoods counted as part of the city's population for official records, are not part of the city for the purposes of hilchos eiruv, as they are not connected to the rest of the city with a continuous row of houses, and there is a big enough gap to define them as outside the city. [See what we wrote (Issue 30, par. 18) regarding Purim in Ramot.] Thus, there are not yet 600,000 people; there is still time before that happens.

25. **Kosher when originally established.** Another rationale said about Yerushalayim is that since there weren't 600,000 people when the eiruv was established, and it was kosher, it is hard to challenge an established eiruv. Thus, we use a combination of all sorts of heterim to keep its kosher status. For example, on Shabbos itself there are not 600,000 people on the streets; even during the week there are not 600,000 people on the streets, as there are elderly people and young children who do not go out (see Igros Moshe quoted in Issue 316, par. 21); the streets do not go all the way through from the city's entrance to its exit; even during the week, no one street has 600,000 people; and the like. But it is true, bnei Torah and people who are meticulous in mitzvos should know the issues and decide for themselves if they want to carry in the eiruv, and those who are meikel have basis to rely on. Thus, there is plenty of room to rely only on neighborhood eiruvim (תשו"ג ח"ה סי' ק"א).

#### Brooklyn

26. **Reshus horabim d'oraisa.** For many years, there was no eiruv in Brooklyn – not in Boro Park, and not in Flatbush – due to the psak of the gedolei and poskei hador. This was primarily because it is a reshus horabim d'oraisa, as its residents number over 2.5 million. They held that all the borough's streets have the d'oraisa status of reshus horabim since they serve all the borough's residents. Thus, an eiruv cannot be made with tzuros hapasach alone (הגר"מ (פיינשטיין באג"מ או"ח סי' קל"ט, הגר"י שטייף, בעל דברי יואל ועוד).
27. **Meikel opinion.** However, about 25 years ago, some choshuve rabbanim established eiruvim in Boro Park and Flatbush based on tzuros hapasach alone. They primarily relied on the fact that the 600,000 people are not on the streets included in the eiruv themselves (ש"ת עמק התשובה ח"א סי' כ'; ח"ג סי' ט"ו, ש"ת משנה הלכות ח"ה) (סי' ס"ב ע"ד קע"ט, ש"ת חוק חיים-יאקא ח"ד סי' ט"ז).
28. **Three walls.** Some claim Boro Park is surrounded by three walls, so an eiruv can be made even though it is considered a reshus horabim. They also claim the train bridges in Boro Park divide part of the streets and constitute walls based on the halacha of the פי תקרה of the streets and constitute walls based on the halacha of the פי תקרה (ש"ת משנה הלכות ח"ה סי' ע"ט). However, others argue and do not accept these rationales (ציאות השבת סי' י"ג), יציאות השבת סי' י"ג, (קונטרס פירצות העיר נדפס בסוף סי' יציאות השבת, סי' וכיצד אין מערבין).

#### In Practice

29. We previously wrote (316, par. 42) that most poskim hold one should not carry l'chatchila in eiruvim in big cities with more than a million residents, e.g., New York, London, Paris, etc., that are based on tzuros hapasach alone, without any upgrades – especially those who are meticulous in mitzvos (above, 7). Examples of effective upgrades are three real walls (316, par. 33); three walls consisting of more wall than gap (317, par. 22); closed doors (318, par. 3); or at least doors that are able to close (ibid., 13). As with all halachic matters, each person should consult with his rav who is proficient in the topic.

### Eiruv Increases Peace

#### Prevent Machlokes

30. At the close of the eiruv series, and with the hope that everyone enjoyed the halachos we set forth on eiruv and accumulated more information on the "closed alley" of eiruv, we will conclude with the Yerushalmi (עירובין פ"ג ה"ב, פ"ו ה"ט) *Why do we make eiruvei chatzeiros? To promote peace* [דרכי שלום]. *As the posuk says* (משלי ג') *"דרכי דרכי נועם וכל נתיבותיה שלום"*, (ג') *The prepared roads and paths cause an increase of peace* (פני משה). This way, neighbors can speak to each other and everyone can blend together and be considered like one person (קרבן העדה).
31. The Gemara also says (עירובין דף מ"ט ע"א) *R' Yehuda said in the name of Shmuel, "If one is particular [מקפיד] about his eiruv, his eiruv is not an eiruv. What is it called? An eiruv.* ([Implying] that everyone should be in harmony [מעורבין] and satisfied with it; one should not protest against his friend. Rather, [it should be a] pleasant, harmonious partnership [שמון עירובי שמון]).
32. Sadly, we see that much machlokes breaks out over eiruvim in many places. Therefore, let us improve in the matter. On the contrary, let us increase peace among us, especially among talmidei chachamim, who increase peace in the world, until we are zocheh to live within the walls of Yerushalayim Ir HaKodesh; as the posuk says, *"ה' עוז לעמו יתן, ה' יברך את עמו בשלום"*.

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