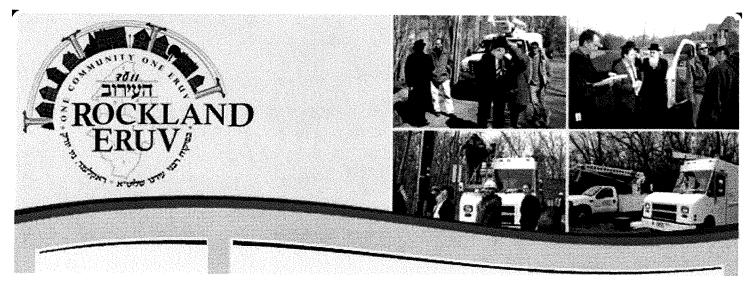
EXHIBIT B



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Eruv terms

In order for readers to better understand some of the complexities that go into building and maintaining an eruv, we are including a glossary of terms. To those familiar with the laws of eruvin, these terms speak volumes. There is much that goes into ensuring an eruv complies with halacha - here are some of the basics: **RESHUS:** This refers to any of the four common domains into which property can be divided. These primary domains are:

- 1) Reshus hayachid, A private domain A place set aside from its surroundings by any of a number of devices such as a wall, a series of doorway shaped enclosures or even by a steeply pitched slope leading up to the reshus.
- 2) Reshus harabim, A public domain A large, publicly used thoroughfare. The classic example is the travels of the B'nai Yisrael in the desert. To that end, halacha dictates it be similar to those pathways. There are guidelines relating to minimum width (16 amos approximately 24 to 32 feet) and number of passersby, (600,000 like the B'nai Yisrael.) The applications of each of these are subject to major dispute among the Rishonim.
- 3) Karmelis A large, open area which lacks the characteristics of both a Reshus hayachid and a Reshus harabim and does not have the remediation of a reshus hayachid.
- 4) A Makom p'tur- place which lacks the basic necessities required to be considered an area of "common use", and is held to be almost halachiclly transparent.

GEDER: A wall or other solid enclosure which defines the boundaries of a reshus hayachid.

TZURAS HAPESACH: a structure shaped like a doorway. This can take the place of a full wall, and may constitute a side (or parts of a side) of the enclosure necessary to make a location a Reshus Hayachid

LECHI: A vertically positioned pole which acts as one member of the "doorway" in the Tzuras Hapesach. This lechi must be positioned vertically and directly beneath the koreh elyon.

KOREH ELYON: The upper, horizontal element which completes the "doorway" shape which composes a wall of the eruv enclosure. This koreh may consist of a wire, a pole or any other means of connecting the two vertical lechayayim (vertical poles). It is critical that this koreh pass directly over the lechi.

PIRTZAH: A break in the enclosure disqualifies the "wall" effect if it is greater than 10 amos (18 to 24 feet.)

LAVUD: This is a concept handed down to Moshe Rabbaynu at Har Sinai, which states that structures within three t'fachim (9 to 12 inches) of one another are seen as if they were touching. Hence if a wall is not directly in contact with its adjacent structure, it is none-the-less seen as enclosed. This concept, too, will mean that the lechi need not directly be in contact with the koreh--as long as the lechi is directly below the koreh it is sufficient to be considered touching **GUD ASIK:** Another Halacha L'Moshe M'Sinai, this legal mechanisim states that we may theoretically extend certain surfaces or items to consider enclosures finished, even when the various elements are not in actual physical contact. This concept, too, will mean that the lechi need not directly be in contact with the koreh--as long as the lechi is directly below the koreh it is sufficient to be

considered touching. This halacha also had other applications, such as extending imaginary lines of walls both upwards and downwards.

TEL HAMISLAKET: One of the ways a reshus hayachid is demarked is by a sharply rising slope, one which reaches the height of 10 tfachim (30 to 40 inches) within the span of 4 amos (6 to 8 feet.)

HASKARAS RESHUS: As a prelude to encircling the "eruv" area, the entire "reshus" needs to be consolidated into one homogeneous property. This is accomplished by technically "leasing" the entire property from a representative of the state government. Though the transaction involves private properties, the principle of Eminent Domain allows for this transaction.

KARFIF: A large area that is not traversable and is not meant to be used in a common everyday manner. Such an area cannot be included in an area defined by an eruv. If a karfif exists within an eruv, it must be excluded by encircling it with its own walls or a series of tzuras hapesachs.

EXHIBIT C

Eruv.org (http://www.eruv.org/)

Definitive Eruv Information and Global Directory

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Eruv FAQ (http://www.eruv.org/eruv-faq/)

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Home



What's an Eruv? — Or... "You want to do WHAT?!"

In order to answer a Jewish question, you first have to explain why anyone would be talking about the question you are answering. G-d says we aren't supposed to work on the Shabbos. But Jews ask questions. We may be a nation of priests, but we are also a nation of lawyers.

What do you mean work? Well, among other things, we mean carrying stuff around.

Carrying what? Anything, keys, books, kids, you name it; we can't carry it.

Carrying where? Outside the house. (We get a break here because when Solomon invented the eruv, homes included fenced back yards.)

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synagogue to pray four times on Shabbos, someone has to stay with the kids. Now a pious man can pray 6 or 7 hours on Shabbos. So guess who is stuck in the house all Shabbos. Jewish men are commanded to keep their wives happy. Solomon had 1,000 wives. So, he said: "All cities have walls. Instead of using the backyard fence as the boundary; we will use the wall around the city as the boundary. We'll be one big family for Shabbos, we can visit each other and share meals."

This was nice. And it worked really well up until we were kicked out of Israel. Now if we try to put a stone wall up across Broadway or Main Street, people are inexplicably unsympathetic.

So, operating on the well-known fact that walls have doorways, we just put up string of doorways around the area where Jews live. The telephone pole becomes a doorpost; the wire running over the top of the pole becomes the "lintel" (i.e. the top of the doorframe). In fact, using telephone poles, buildings, string, light poles, embankments and a variety of other things, most of which are already in place, we create a continuous wall around the neighborhoods where Jews live. The wall is mostly invisible to people who don't know what to look for.

Life being what it is, we don't want to make what we put up too obvious. There are several reasons. Firstly, it's chutzpadik to make it glaringly obvious. Our neighbors have spent hundreds of millions of dollars making these neighborhoods beautiful and we are prepared to do something ugly? Secondly, we don't want to invite vandalism, either by anti-Semites or by bored children. Thirdly, doing it unobtrusively is frequently cheaper. Lastly, doing it unobtrusively creates shalom with the goyim around us.

Now, of course, we need permission from everyone whose property we touch. The utilities, which own the poles, the property owners that our lines cross, the government, which owns the streets that we cross, and sometimes neighborhood associations, all must give us permission or else we can't do it. We need to follow the building code from Jewish law and the building code from where ever we are living now. (They usually don't

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control in the Jewish neighborhoods. Page 7 of 22 PageID: 603

Since the purpose of the eruv is to carry food to where it is needed, we keep food, for any Jew who wants to get it on Shabbos, in a specific location inside the eruv. The proper blessing is made, and then we have an eruv. Usually, we use Passover matza. (Frequently the matza is kept at a synagogue. If the men run out of food for Shalosh Seudos, they might dip into the "eruv" (the matza upon which the blessing is made), and the Rabbi has to replenish the supply before the next Shabbos.

Every week the wall should be checked to make sure it is kosher. Frequently there is a break of some sort. So the checkers call out a repair crew and fix it if possible. Then they notify the community whether the eruv is "up" or "down." If it is down, then people who have made plans to eat with friends may have to quickly prepare a meal at home.

Hundreds of cities in the US and around the world have eruvs. There is a separate <u>eruv directory</u> (http://www.eruv.org/eruv-directory) on this website. Many cities have more than one because there is more than one Jewish neighborhood.

The average eruv costs \$40,000 to erect. Like any modern building project, it can cost more to deal with permits than it costs for construction. Cities have legitimate questions regarding eruvs that they need to ask before one is erected. Pole owners want to make sure that nothing is done in an unsafe manner on their poles.

One note about eruv kashrus: There are two halachic issues which the general public should be aware of about eruvim.

The first question is whether someone "holds" by an eruv. This can be a complex question. See the <u>Eruv FAQs (http://www.eruv.org/eruv-faq)</u>.

The second question is whether the eruv is kosher.

There are legitimate disagreements about every aspect of Jewish law. A practical issue happens when someone carries wine in an eruv to someone's house for Shabbos

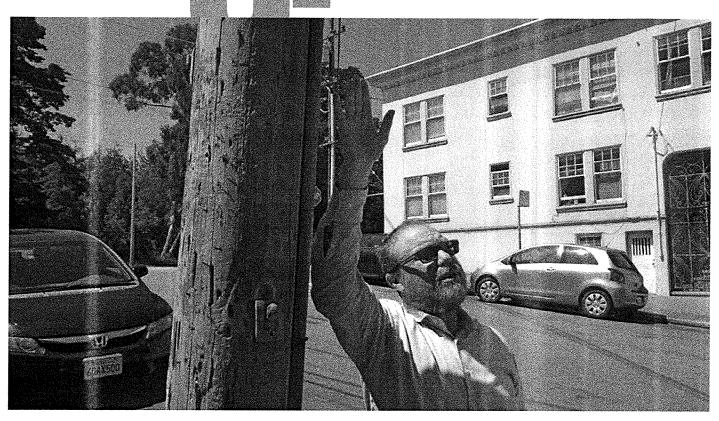
drink the wine on Shabbos (even if he usually does not avail himself of the eruv). If he believes the eruv is not kosher, he should not drink the wine on Shabbos.

On this, as on other aspects of Jewish law, consult your local orthodox rabbi. For many Orthodox Jews, an eruv has become as necessary as the second car or a second bathroom. We could get along without it, but life is just so much nicer with it.

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EXHIBIT D

The Jewish News of Northern California



Rabbi Shlomo Zarchi points out the path of the Richmond District eruv at the northeast corner of Fulton Street and Sixth Avenue (Photo/David A.M. Wilensky)

COLUMNS > JEW IN THE PEW

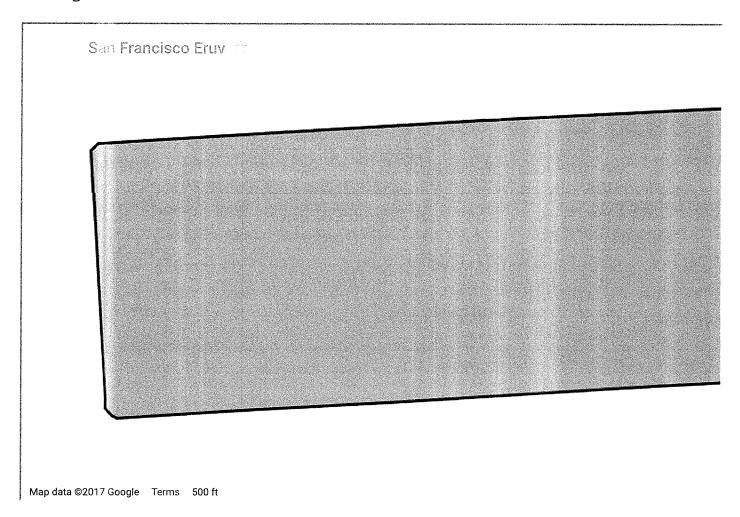
Walking the line: A tour of San Francisco's Jewish metaphysical geography

BY DAVID A.M. WILENSKY | JUNE 14, 2017

ities have layers of architecture and geography — streets, topography, buildings, utilities. There are metaphysical layers as well. In holy cities like Rome or Jerusalem, that spiritual layer receives top billing. But even in supposedly secular San Francisco, you can find it — if you know where to look.

Encompassing seven square miles of the city, the Richmond District *eruv* is one such layer, effectively invisible to most who traverse its boundaries. The eruv is an essential part of life for strictly Shabbat-observant Jews around the world; it is a boundary both physical and metaphysical that converts a public space to a communal one, allowing observant Jews to carry items — and, of great import to growing families, push strollers — within those bounds on Shabbat.

The Richmond eruv lies between Clement and Fulton streets north to south, and from 16th Avenue to 42nd Avenue east to west. It is overseen and maintained by Rabbi Shlomo Zarchi of Congregation Chevra Thilim, located within the eruv. It also encompasses the Schneerson Center, a Chabad outfit a few blocks away that serves mostly Russian speakers, and Congregation Anshey Sfard, a Sephardic synagogue on the edge of the eruv at 16th and Clement.



(There are two eruvs in San Francisco. The other one is in the Sunset District, centered around Orthodox synagogue Adath Israel. There is also one that encompasses parts of Berkeley and Albany and one in Palo Alto.)

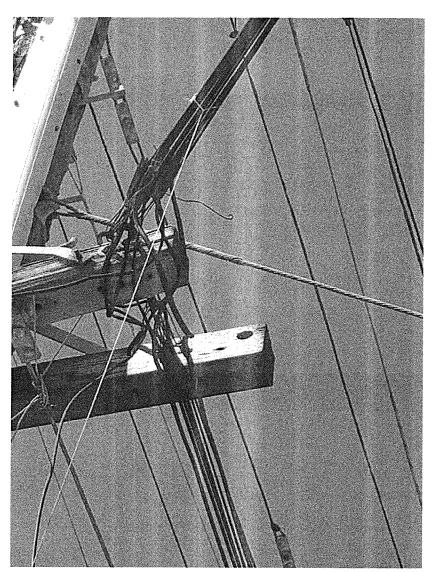
Curious to know more, I set out with the rabbi on his weekly rounds as he checked the eruv. It must be checked before every Shabbat to make sure it is intact.

I often hear non-Orthodox Jews poke fun at the idea of an eruv. "A literal loophole in the law, just to make things easier," a member of my Reform childhood synagogue once said to me with derision.

But that's an unfair assessment that comes from a lack of understanding about a remarkably complex area of Jewish law. As Zarchi told me, the eruv is not a loophole but rather an elaboration of the law. It is no more a loophole than the halachic reasoning used to prevent capital punishment even though it is permitted by the Torah.

(After a few hours with Zarchi, I was honestly taken aback by the complexity of the issue. For a more thorough review, check out rabbikaganoff.com/aneruv-primer.)

The boundaries of an eruv can be formed by two sorts of things: natural barriers such as



The white thread attached to the utility cables seen here marks part of the Richmond District eruv above the northwest corner of Fulton Street and Sixth Avenue (Photo/David A.M. Wilensky)

a slope, a shoreline or the edge of a forest; and walls. For the purposes of an eruv, a wall can be composed entirely of doorways. From there, a doorway can be said to consist of its two posts and the top of the frame. And out of that interpretation comes the most common form of urban eruv: a line of telephone poles and the wires above, supplemented occasionally by pieces of string and the walls of existing buildings.

As we drove around the perimeter, Zarchi stopped several times to show me the particulars of his eruv. Like many urban eruvs, this one does not make use of any natural boundaries.

Where telephone wires run in a straight line between two poles, nothing needs to be done; in other places, a length of string connects two existing elements. In some places, a *lechi*, a kind of supplementary doorpost, is required to mark the end of one wall and the beginning of another as the eruv changes direction. Sometimes it's simply a piece of string running down the side of a telephone pole. In one place we visited, the lechi was a length of wood affixed to the bottom of a pole and pointed straight up at wire overhead. How does Zarchi know it points directly up? He aligned it using a laser level, of course.



Rabbi Shlomo Zarchi points out a lechi that has been aligned exactly with the cable overhead with the assistance of a laser level. (Photo/David A.M. Wilensky)

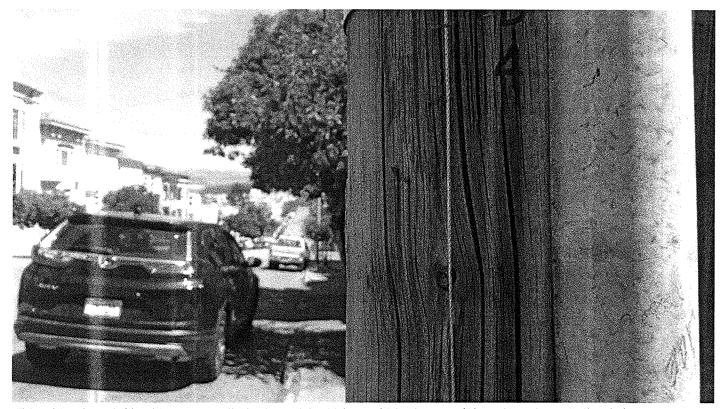
The eruv makes use of Comcast wires that run on PG&E poles. "Everyone plays a role in this mitzvah!" Zarchi quipped. Gaining permission from utility companies and neighborhood groups is often a major obstacle to creating an eruv. But in this case, it was a relatively smooth process. The Jewish Community Relations Council put Zarchi in touch with PG&E, which gave tacit approval.

A PG&E man went around with Zarchi once at the beginning to make sure everything was up to snuff. He slunk back to his car when a woman emerged from a house to accuse Zarchi of pirating cable; she had mistaken his eruv-building activities for something a tad more nefarious.

Things like that happen now and again. "I don't want to make a scene," Zarchi told me several times. In some cities, opposition to an eruv has focused on the perceived comingling of religion and state. But over a few lengths of string? That would be a stretch.

Although Zarchi grew up in Crown Heights, Brooklyn, where the Chabad rebbe prohibited the use of an eruv, his interest in establishing one here was sparked in part by his daughter's impending birth four years ago. Without an eruv, neither he nor his wife would have been able to carry the baby to shul on Shabbat.

In the delivery room, in fact, Zarchi was on the phone troubleshooting with an eruv expert he'd brought in from out of town — so great was his commitment to getting the eruv up before his daughter was born. As soon as she was safely delivered, he was back in the streets working on the eruv.



Thin white threads like this one are telltale signs of the Richmond District eruv. (Photo/David A.M. Wilensky)

Though the practical benefits of the eruv are key, Zarchi also touts its spiritual import. "Even if you don't know it, you're stepping through a door to serenity," he said. "Before, you were just a person, but when you pass through into the eruv, you become part of a community."

Eruv means literally "mixture" or "mingling," which refers to the mingling of public and private domains created by an eruv.

To Zarchi's surprise, this metaphorical communal space is important to a broader segment of the community than he expected. He recently received a question from an observant transgender Jew who sought the rabbi's help in finding a place to live within the eruv. "When I started this, I didn't know — who will use it? You can't predict."

Toward the end of our journey, explaining the location of the eruv's eastern boundary on 16th Avenue, he said: "I could give you a whole Torah about why it goes down one street and not another."

In many cities, the eruv costs a great deal to maintain. It can become a huge endeavor that encompasses wide swaths of terrain. Many cities in Israel are completely enclosed by an eruv. Zarchi's is quite simple, humble even, and doesn't require much upkeep. It's limited, he said, "but you can always add to it later."

Jew in the Pew is a regular feature. Send tips about religious, ritual and spiritual goings-on to david@jweekly.com.



David A.M. Wilensky

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Tags: eruv, Richmond District, Orthodox Judaism

EXHIBIT E

RabbiKaganoff.com

The Torah Writings of Rabbi Yirmiyohu Kaganoff Shlita

An Eruv Primer

This week's parsha includes one of the major sources for prohibiting carrying on Shabbos, which provides a good opportunity to study some of the complicated halachos of carrying on Shabbos and the halachos of Eruvin. We cannot do justice to this vast and complicated topic in one short article. However, I will attempt to provide an introduction to some of the issues involved.

The Torah prohibits carrying from an enclosed area, called a "reshus hayachid," to a public, non-enclosed area, a "reshus harabim," or vice versa. It also prohibits carrying something for a distance of four amos (about seven feet) or more inside a reshus harabim. For our purposes, we will loosely define reshus hayachid as an area completely enclosed by walls, doors, or a combination of both, and a reshus harabim as an unenclosed area at least sixteen amos wide (about twenty-eight feet) meant for public use or thoroughfare. Many additional technical details define a reshus hayachid and a reshus harabim, some of which will be discussed later in this article.

A non-enclosed area that does not qualify as a reshus harabim is categorized as a "karmelis." According to Torah law, one may carry inside, into and from a karmelis. However, Chazal ruled that a karmelis must be treated with the stringencies of both a reshus hayachid and a reshus harabim. This means that under most circumstances it is forbidden to carry inside, into, or from any area that is not completely enclosed. This is the way we are familiar with observing Shabbos – one does not carry in any unenclosed area. (I will later point out a significant halachic difference between a reshus harabim and a karmelis.)

Chazal also forbade carrying from one reshus hayachid to another when they are not owned by the same person. Thus, I may not carry on Shabbos from my house to my neighbor's, even if both properties are completely enclosed. If both areas are owned by the same person, I may carry from one house to the other, as long as I don't pass through an unenclosed area or an area owned by someone else. I may carry from my

house to my neighbor's if we make an "eruv" which allows the two areas to be treated as if they have common ownership.

BUT I THOUGHT "ERUV" REFERS TO A PHYSICAL STRUCTURE?

The word eruv refers to several different conventions instituted by Chazal. We just mentioned the "eruv chatzeiros" that permits carrying between different areas that are enclosed but have separate ownerships. We create this eruv by making the property owners partners in a loaf of bread or a box of matzohs, which for these purposes is sufficient to consider the properties jointly owned. Once this eruv chatzeiros is made, one may carry from one residence within the eruv to another, since the eruv gives them common ownership. Common practice is to make the eruv with matzohs since they last a long time. Custom is to renew the eruv every Erev Pesach so that it is not forgotten.

One must make sure that the matzohs remain edible. I know of instances where the eruv was forgotten about and long afterwards it was discovered that the matzohs were no longer edible. Who knows how long people were carrying in a prohibited way because no one had bothered to check the matzohs!

WHAT IF THE AREA IS NOT ENCLOSED?

Our discussion until now has been dealing with an area that is already fully enclosed. However, someone interested in carrying in an area that is not fully enclosed must close in the area before making an eruv chatzeiros. The most common usage of the word eruv is in reference to this enclosure.

HOW DOES ONE ENCLOSE AN AREA?

The area must be completely enclosed by halachically acceptable "walls" and "doors." Walls, buildings, fences, hills, and cliffs can all be used to enclose an area. However, when using structures and land features that already exist, invariably there will still be gaps between the structures that must be filled in to complete the enclosure.

The most common method to bridge the gaps is to make a "tzuras hapesach." A tzuras hapesach vaguely resembles a doorway, consisting of two sideposts and a lintel that passes over them, which are the basic components of a doorway. According to halacha, a tzuras hapesach is considered a bona fide enclosure. Thus, if all gaps between the existing "walls" are "closed" with tzuros hapesach, the area is regarded as fully enclosed.

Some opinions allow small gaps to remain within the eruv's perimeter without a tzuras hapesach. Many eruvin in North America rely upon this leniency, whereas in Eretz Yisrael the accepted practice is not to.

A COMMON PROBLEM

The halacha is that a planted field the size of 5000 square amos (approximately 14,000 square feet) within an enclosed area invalidates the ability to carry within the eruv. Similarly, an area of this size that is so overgrown that one would not walk through it will invalidate an eruv. This is a very common problem that is often overlooked. Although every responsible eruv has mashgichim to check the perimeters of the eruv, there is also a need to check periodically within the eruv to see that no large areas are being planted or have become this overgrown. I know of numerous instances where, unfortunately, this problem existed for a while before it was detected.

OTHER DETAILS OF TZURAS HAPESACH

There are myriad details of how to make a tzuras hapesach, far more than can be detailed here. For example, most authorities accept the use of a wire for the lintel of a tzuras hapesach, although many opinions require it to be extremely taut (see Mishnah Berurah 362:66 and Shaar Hatziyun). Most eruvin use telephone wires as the "lintel" of the tzuras hapesach, although there are poskim who prohibit them (see Shu't Yeshuos Malko, Orach Chaim #20). When telephone wires are used, posts or boards are placed directly below existing telephone wires, with care taken that the wire passes directly over the post. The lintel must pass directly above the sideposts, although the posts are not required to be tall enough to reach the "lintel" (Eruvin 11b). For example, if the wire used as lintel is twenty feet high and the side posts are only four feet tall, this is perfectly legitimate as long as the wire passes directly above the sideposts and that nothing intervenes between them. To guarantee that the wire remains above the posts, it is a good idea to use fairly wide "posts" and to periodically check that the wire is still directly above the posts. From personal experience I can tell you that as the posts or the telephone polls settle it is not unusual that they shift so that the post is no longer under the wire. This is also something that eruv mashgichim must periodically check but, unfortunately, often do not.

The tzuras hapesach is invalid if something intervenes in the gap between the top post and the side post. Thus, it is invalid to rest a side post against the side of a house and attach the top post to its roof, if any overhang of the roof extends below the lintel and above the side post. Similarly, the eruv is invalid if a sign intervenes between the sidepost and the wire being used as lintel.

I mentioned above that there is a major difference in halacha between a reshus harabim and a karmelis. A tzuras hapesach can only be used to enclose an area that is a karmelis where the prohibition against carrying is only rabbinic. It cannot be used to permit carrying in a reshus harabim where it is forbidden to carry min haTorah (Shulchan Aruch, Orach Chayim 364:2).

This leads us into our next discussion.

CONTROVERSIAL ERUVIN

A strange phenomenon of hilchos eruvin is that although Chazal created the concept of eruv to facilitate peace among the Jewish people, probably no other mitzvah has been involved in so much controversy. Why is this?

The details of hilchos eruvin are extremely complicated and often subject to dispute. It is not unusual to find a situation where one rav forbids a certain eruv min HaTorah, while another rav rules that it is perfectly kosher. Although both decisions are based on the same Gemara and halacha, one posek condemns as chilul Shabbos what the other considers a mere chumrah or less.

This is not a new phenomenon. Let us share a halachic discussion that is over a thousand years old.

600,000 PEOPLE

There is a very old dispute whether a reshus harabim (min haTorah) only exists if the area is used by at least 600,000 people, just as the reshus harabim of Klal Yisrael in the desert was used by 600,000 people, the members of the Jewish nation. (Indeed, the question is raised that a reshus harabim should require several million people because the 600,000 count only men over twenty and did not include the women and children.)

Rashi (Eruvin 59a) writes that only an area with this number of people constitutes a reshus harabim that cannot be enclosed with a tzuras hapesach. This excludes all the towns and cities inhabited by Jews from the Middle Ages until fairly modern times. They did not have 600,000 people and could therefore be enclosed by a tzuras hapesach. However, many rishonim disagree with Rashi and rule that any street or marketplace sixteen amos wide is a reshus harabim and cannot be enclosed with a tzuras hapesach. This issue is made more confusing since the Shulchan Aruch in Orach Chayim 345:7 rules strictly, whereas in 303:18 he appears to rule leniently. Many major authorities follow the lenient interpretation (Magen Avraham; Taz in 345), and it was

upon this basis that most Eastern European communities constructed eruvin. However, according to most authorities this lenience cannot be used as the basis to permit an eruv today since most large Jewish communities are in places with more than 600,000 people.

A FIGHT OVER AN ERUV

In the thirteenth century, Rav Yaakov ben Rav Moshe of Alinsiya wrote a letter to the Rosh explaining why he forbade a tzuras hapesach eruv in his town. In his response, the Rosh replied that Rav Yaakov's concerns were groundless and that he should immediately construct an eruv. Subsequent correspondence reveals that Rav Yaakov did not change his mind and still refused to erect an eruv in his town. The Rosh severely rebuked him for this recalcitrance, insisting that if he (Rav Yaakov) persisted he would be placed in cherem. The Rosh also ruled that Rav Yaakov had the status of a zakein mamrei, a Torah scholar who rules against the decision of the Sanhedrin, which is a capital offense (Shu't HaRosh 21:8)! All this demonstrates that heated disputes over eruvin are by no means a recent phenomenon.

OVER-RELYING ON AN ERUV

Although there are many obvious advantages to having a kosher eruv, we should always be aware that there are also drawbacks. One major drawback is that people become unprepared if the eruv goes down one week. Suddenly, they cannot take their reading glasses to shul and their plans of pushing the stroller so they can eat the Shabbos meals at someone else's house are disrupted.

Another disadvantage is that people become so used to having a eruv that they no longer pay serious attention to the prohibition against carrying. Children raised in such communities, and even adults who always lived in cities with an eruv, sometimes hardly realize that there is any prohibition against carrying.

In Israel, where virtually every town has an eruv, the assumption that there is always an eruv can be a tremendous disadvantage as the following story illustrates:

A moderately-learned frum Israeli moved to an American city with no eruv. He was hired by a yeshiva as cook and was responsible for the everyday kashrus of the yeshiva's kitchen. The first Shabbos on his job, the new cook went for an afternoon stroll with his family, baby carriage and all. This raised a whirlwind in the yeshiva — people were shocked that they had entrusted the yeshiva's kashrus to someone who openly desecrated Shabbos! Only later was it clarified that the cook was unaware that a

city might not have an eruv. Living his entire life in cities with an eruv, he had automatically assumed that every city with a Jewish community had such a fixture!

In conclusion, we see that disputes among poskim over eruvin are not recent phenomena. In practice, what should an individual do? The solution proposed by Chazal for any such shaylah is "Aseh lecha rav, vehistalek min hasafek," "Choose someone to be your rav, and remove yourself from doubt." The rav can guide you to decide whether it is appropriate for you to carry within a certain eruv, after weighing factors including what heterim were used in the eruv's construction, care of eruv maintenance and family factors. The psak and advice of one's rav can never be underestimated!



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