

Review of Halakhic Periodical Literature

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THE MANHATTAN ERUV

One of the most distinctive institutions marking off Rabbinic Judaism from the fundamentalism of those who reject the Oral Law is the *Eruv*. The kind of *Eruv* referred to here is a legal device enacted by the rabbis whereby a large urban area, within boundaries properly designated and constituted, may be regarded as one corporate domain for the purpose of removing the prohibition against carrying outside private property on the Sabbath. Since the time of the Talmud, which devotes an entire tractate to the subject (*Eruvin*), the attitude to the legality of the *Eruv* has characterized the schism between the Pharisees or Rabbanites and their opponents — first the Sadducees (*Eruvin* 68b) and later the Karaites (Judah Hadassi, *Eshkol Ha-Kopher*, 182-183) — who denounced the institution as an unwarranted interference with the law by the rabbis (cf. Yehudah Halevi, *Kuzari*, 3:51).

In the past such an *Eruv* was in effect in many great European communities, including Warsaw, Vienna and several German cities or parts of them. To this day most cities in Israel have such an *Eruv*. But New York, with the largest Jewish population in the world and with the most ideal physical conditions for such a measure, has

so far had to do without an *Eruv*, due largely to the dissension and rivalries resulting from the absence of a recognized *Kehillah*-organization guided by a central rabbinat.

Isolated efforts to overcome this deficiency have not been lacking. Several bulky volumes could be filled with the records of the practical proposals, learned dissertations, and often heated controversies on this subject, accumulated for well over half a century. As early as 1907 a distinguished rabbinical scholar originally from Poland published a lengthy treatise advocating an *Eruv* for parts of Manhattan (R. Joshua Siegal, *Eruv ve-Hotza'ah*), and J. D. Eisenstein in his encyclopedia *Otzar Yisrael* published in 1924 (8:138 ff.) assembled enough material on the Manhattan *Eruv*, including a map of Manhattan showing the boundaries of the proposed *Eruv*, to fill three columns. Yet in the end all these efforts proved ineffective, and many thousands of Jews in Manhattan still desecrate the Sabbath by carrying, while countless Orthodox mothers, doctors, and others continue to face severe hardships vitiating the "delight of the Sabbath" by their inability to take their babies out of their homes, to carry necessary items, etc.

Lately the project has again been given great momentum, notably through the tireless work and

painstaking researches of Rabbi Menachem Kasher, a prolific writer on this complicated, controversial subject. In his latest contribution, published in the January 1962 issue of *Hapardes*, he was able to marshal the views of four leading sages of our age in support of the proposed *Eruv* for Manhattan: the late Geonim R. Chaim Ozer Grodzinsky and the *Chazon Ish* as well as, among the living, the two leading *Poskim* of Manhattan itself, R. J. E. Henkin and R. Moses Feinstein.

Rabbi Chaim Ozer's opinion is contained in a hitherto unpublished letter, sent in the summer of 1938 to Rabbi Elie Munk of Paris, regarding the proposal to set up an *Eruv* in that city. While Paris, as a city regularly traversed by over 600,000 people, must be regarded as biblically constituting "public domain,"* this status is qualified by the fact that it (i.e., the parts for which the enactment is suggested) is surrounded on three sides by the river Seine and on the fourth in part by the artificial boundary of telephone wires. Provided, therefore, all breaches in the perimeter, especially the bridges crossing the Seine, are closed by nominal gateways ("tzurat ha-petach") consisting of wires or poles at a distance not exceeding ten cubits, an *Eruv* can be properly established. The *Chazon Ish* also concurred in this opinion.

While Paris nevertheless remained without an *Eruv* because the

* Rabbi Kasher believes there is an error in the copying of this sentence; instead of "must" it should read "may not," following an explicit statement to that effect by the *Bet Ephraim*, *Orach Chayyim*, 1:26.

essential improvements could not be carried out, Rabbi Kasher concludes that all the conditions stipulated are met far more ideally in the case of Manhattan, which is a complete island surrounded by man-made ramparts along the water-front and connected with the mainland by bridges which all now have a "tzurat ha-petach" as required by law. Moreover, Manhattan has the advantage over Paris of the designated territory extending to the entire city (or borough) and not just to a part of it, while the number of Jews who would be saved from Sabbath desecration is far larger than in Paris.

The article then reproduces the contents of a recent letter addressed to the "Committee for an *Eruv* in Manhattan" by Rabbi Henkin in which he affirms the legal grounds for an *Eruv* in Manhattan as superior to those in the many other cities throughout the world where an *Eruv* was instituted. He also advises against waiting until all the rabbis affected are convened to endorse the *Eruv*; "for we know from experience that this takes much time, and it is a pity for the time lost in the meantime. Rather let whatever can and must be done be effected immediately, and after the enactment let it be announced that the *Eruv* has been established and that rabbinical supervisors have been appointed over it." However, pending its endorsement by the majority of Manhattan's com-

petent rabbis, the *Eruv* should be utilized only for urgent purposes (*sha-at ha-dechak*), viz., to enable those who already carry to do so legitimately, to make it possible for mothers to take their babies out of their homes, to relieve the conscience of observant doctors who carry their bag when visiting patients who are not in danger, and to transfer items to the *Sukkah* which may otherwise involve a violation of the Sabbath. But all others should refrain from carrying on the Sabbath as heretofore, until the sanction is ratified by the majority of practicing rabbis in Manhattan. This restriction is necessitated by the fact that Manhattan, unlike the European communities, has no communal rabbi acknowledged as the local spiritual head (*Mara d'Atra*). Finally, Rabbi Henkin suggests the form in which the *Eruv* and its conditions should be publicly announced.

Rabbi Feinstein, also in a letter, defends the right of those who wish to set up the *Eruv* as founded on many sound arguments. But while he endorses the legality of such an *Eruv*, without the restrictions of Rabbi Henkin, he advises those who desire to impose special stringencies on themselves not to carry in Manhattan as an act of piety.

Quoting further the enthusiastic support given the proposal by the late Rabbi Pesach Zvi Frank of

Jerusalem, Rabbi Kasher urges that prompt action be taken to implement it.

* That Palestine is at the center of the world was already assented in the Talmud. Thus one passage states that the Holy Land was the first part of the world to be created (*Ta'anit* 10a), the remainder following progressively around the center,