

I. R. Meir Simchah of Dvinsky, the renowned author of the Or Sameiach and one of the most profound halakhic scholars of all times, makes a profound comment in his Meshakh Chokmah which is most appropriate to the day we now celebrate, Shabbat Ha-Qadol, the special Sabbath which heralds the celebration of our festival of freedom, Passover.

A) There are two types of Mitzvot: those that bind a Jew to his G-d, and those that bind him closer to his fellow-Jew. Thus, observances like tzitzit, tefillin, and mezuzah bring the Jew directly into communion with G-d. Whereas mitzvot such as charity, love of fellow-man, and terumah, bring him into closer community with other Jews.

B) Sabbath is a mitsvah which draws G-d and Man closer to each other, and it does so largely by bidding the Jew practice a degree of isolation so that he might, in his new-found privacy, study Torah, pray, and otherwise reach out for his Maker. Thus on Shabbat we were commanded: ל (IN) PNN 6/10/12/14, making journeys away from home on the Sabbath impossible. Carrying was proscribed on Shabbat; this too enforces a separateness between people in different homes, for they cannot carry from one home into another. Cooking was forbidden, and thus entertainment made difficult, discouraging too intensive visiting and hospitality for surprise guests. The Sabbath is not, of course, a day of total isolation, but it restricts free and easy movement and thus emphasizes individual and private religious experience between Jew and G-d.

C) Yom Tov, contrariwise, encourages freer movement and more intensive social intercourse. It makes for greater community solidarity and closer links between Jews. That is why all melakhot connected with the preparation of food (e.g.) בשר is permitted on Yom Tov. We are permitted to cook and bake even for a thousand guests. So important is this idea of intermingling and expanding human relations on Yom Tov, that although ordinarily it is strictly forbidden to prepare on Yom Tov for the weekdays that follow, nevertheless if one went

ahead and cooked large quantities of food on Yom Tov he cannot be punished and is held guiltless, for we say that ^{ענין זה} "since the food can be consumed by guests, and since it is conceivable that guests will drop in unannounced, then the prohibition is suspended, and no punishment is decreed." This is the time when, in the era of the Temple, Jews banded together to make the pilgrimage to Jerusalem, and there met in sacred conviviality, Yom Tov is the time when, now as then, it is a mitzvah both to be happy and to make others happy. So that while Sabbath is restrictive and fosters isolation, Yom Tov is expansive and fosters fraternization. On Shabbat we aim to reach G-d, and through Him our fellow-men. On Yom Tov we reach for our fellow-men, and through them for G-d.

D) Pesach, however, is the one exception from amongst the holidays.

Before the Exodus - when Pesach was already celebrated in anticipation of the event -- our people were not yet unified and merged into one nation. Each family was for itself, and each tribe separate: ^{אין שום קשר בין שבטים}. Even when they were commanded to bring the Passover Lamb as an offering, it was ordained that all participants had to be designated, ^(היו נרשמים) beforehand, so that no one could come to the Seder unexpectedly. Like Shabbat, those who want to dine together must make preparations in advance ^(אין חופש רגיל); free and easy exchange of visits is diminished. No wonder Pesach is called Shabbat, as when the Torah commands the counting of the Omer ^{מספרת}, which our Tradition interpreted as meaning Pesach. What did this counting signify? It signified a process leading from the isolation of Passover to the openness of Shevuot, the restrictiveness of Shabbat to the expansive freedom of Yom Tov.

E) On this Shabbat Ha-gadol, therefore, ¹³ a day which itself expresses restriction of movement but which heralds a holiday that, while itself restrictionist, initiates a process leading to expansiveness, ^{On this day} allow me to discuss with you the concept of carrying on the Sabbath itself. For, as mentioned, the permission or prohibition for carrying represents the two ideas of closer relation to G-d ^{ענין זה} and thereby to G-d.

F) This matter of carrying on the Sabbath is intimately linked with the institution known as the Eruv -- one of the most significant and misunderstood halakhic instrumentalities today. Perhaps by describing the background of Eruvin, some of its major legal features, and (if time permits) some of the relevant problems as they apply to our community, we will appreciate this dialectic between the Shabbat-type experience of Jew-to-G-d, and the Yom-Tov type experience of Jew-to-Jew, both of which are combined in the celebration of Pesach.

I.

A. Term צירוף as popularly used includes a number of separate concepts.

Technically, there are 3 kinds of צירוף:

1) צירוף - [extending ערך by אקט פ"א thru צירוף]

2) צירוף - [can't be מן from יום to אל, but if started before יום, can continue on יום. Hence, prepare egg and matsoh for eating on אל - this is called צירוף.]

3) צירוף - [will be discussed in detail later.]

B. Etymology: mix, stir, combine. [This, in צירוף combine מן/מן and extend them; in צירוף combine מן/מן of יום and יום; in צירוף, combine מן/מן or מן/מן.]

C. We shall concentrate on צירוף. But first try to bring some clarity into confusion in public mind. The term צירוף as referring to ארץ חלוצה וליה is often used for two different problems. May have seen, in country or "Europe etc, string, wire etc. and call it "צירוף." Technically is not צירוף at all but a מחיצה, a symbolic wall or partition, and instituting it is referred to as מיקון חצר.

For these are, as said 2 problems:

1) The proper * צירוף - dimensions and partitions, so as to have all territory under consideration regarded as "רף" and

2) Once this is achieved, there must be the laying of an צירוף - which refers to a loaf of bread and such, not a wall or wire etc.

III.

A. ארץ חלוצה וליה - One of מן/מן. Emphasized: Jeremiah, Nehemiah, Mishnah. Suffered cruel fate of מן/מן: a) ignored by large numbers of otherwise observant Jews; b) not creative like other מן/מן.

B. חולות - Since is not a change in object but change of place, must define "place" or חולות.

1) Torah knows of 2 domains, or חולות: public (רשות הרבים) and private (רשות היחיד). Prohibition of carrying means to transport or throw from one to the other, or to carry or throw more than 4 cubits in רשות הרבים itself.

2) Rabbis add two more: כרמלית, an intermediate stage between רשות הרבים and רשות היחיד; while חולות permitted to carry from כרמלית to רשות הרבים, and vice versa, Rabbis forbid it; also forbid to carry מזוזה within the כרמלית. The other Rabbinic domain is מקום פטור - a place from which, to which, and in which even Rabbis permit carrying.

C. Dimensions - Big question is: how do we define these various domains, the 2 of Torah and the 2 of Rabbis? Remember we are dealing with Laws, need strictly defined concepts, and they need not necessarily be same as in popular parlance. This will say that a large valley in which no one lives may be regarded as כרמלית rather than רשות הרבים even if owned by one private individual; and that a large metropolis with thousands of home owners may be regarded as a רשות הרבים. How do we define these 4 domains?

1) רשות הרבים is a place such that its area is at least 100 by 100 (a חצ"ה is a handbreadth, about 4 in.); its height at least 10 אמ - either by means of the whole domain being raised that distance over the outlying area, a kind of large platform; or by fences or other partitions around it; or a ditch dug around it being 4 deep.

-For a domain to qualify as a רשות הרבים of Torah, not necessary that it have fence or wall of 4 on all 4 sides; 3 sides are sufficient.

-These חומות of 10 אמ high need not necessarily be solid walls. Thus, for instance, if a board or wire is stretched out at this height, it qualifies fully as a חומה, as much as a solid fence or wall.

-Similarly, if a חֲזָקָה of ordinary type is missing, can substitute a symbolic wall called חֲזָקָה מִזְבֵּית - ... requiring two pillars at least 10 אֲמָלָה high and a beam directly over them, having shape of a doorway. This too is sufficient to make up a חֲזָקָה and thus delineate the חֲזָקָה.

2) פֶּתַח מַדְבָּר : is a public thoroughfare, at least 16 cubits x 16 cubits in area, no roof above it, and such that 600,000 people walk through it daily. (We shall have more to say of this later). All streets, avenues, and alleys leading into the חֲזָקָה themselves become חֲזָקָה.

3) מִדְבָּר : is an open space which qualifies neither as חֲזָקָה מִדְבָּר; a place that is not as private (in dimensions) as the first or as public as the second. Thus, a lake or park which has partitions (but they are not the required 10 אֲמָלָה high) and not many people traverse it; or a raised platform situated in a חֲזָקָה which is more than טָו by טָו square but less than 10 אֲמָלָה high (if it were that high it would become a full חֲזָקָה) is a מִדְבָּר.

4) חֲזָקָה מִדְבָּר : is a place at least 3 אֲמָלָה high, ^{but} its surface area is very small - less than 4 אֲמָלָה square.

D) Conclusion

1) Definitions offered of חֲזָקָה and חֲזָקָה מִדְבָּר etc. deal only with spatial dimensions - height, length, area, etc. They have nothing to do with private or public ownership.

2) Hence, if we have a מִדְבָּר - i.e. חֲזָקָה not proper height, and hence can't carry more than מִדְבָּר within it - and I institute proper חֲזָקָה of 10 אֲמָלָה by one way or another, I create a חֲזָקָה and am permitted to carry therein. This is not an חֲזָקָה - as it's popularly called, but חֲזָקָה מִדְבָּר - fixing...

IV. חֲזָקָה מִדְבָּר :

A) Whole idea of חֲזָקָה refers to a place which, by spatial dimensions described, constituted a true חֲזָקָה, so that carrying within it is permissible, as is carrying from one חֲזָקָה directly into another חֲזָקָה. The question of חֲזָקָה arises only (for purposes of our discussion) when we already have proper

מִצְוָה so that a real חֵטְא exists.

B) When this חֵטְא is peopled by different individuals who are home-owners - עֲשֵׂה חֵטְא - such as two neighboring homeowners who share a common yard, the Tradition declared an עֲשֵׂה חֵטְא, ^{that} means that although from point of view of Torah Law the yard constitutes a true חֵטְא, as does each house opening into it, and it should therefore be permitted to carry within the yard of from the houses into the yard and vice versa, nevertheless if there is more than one owner in a חֵטְא, carrying is forbidden. So that Rabbinic Law (of great antiquity - the Talmud attributes it to King Solomon) declares that for carrying to be permitted, there must not only be private property insofar as dimensions or מִצְוָה are concerned, but also private property insofar as ownership is concerned. If there are עֲשֵׂה, more than one מִצְוָה חֵטְא, then the presence of more than one homeowner causes a prohibition to be in effect again.

C) What is the reason for this עֲשֵׂה חֵטְא, if after all the Biblical prescriptions for חֵטְא have been fulfilled? Why did the court of King Solomon further restrict carrying on the Sabbath under such conditions? The answer is psychological: when people will notice that it is permitted to carry out an object from a private home, into a courtyard jointly used and owned by several people, and from the yard to the חֵטְא, or street into which the yards open, they will erroneously conclude that in all cases it is permissible to carry from a private domain (חֵטְא) to a true public domain (חֵטְא), thus violating the major Biblical prohibition of חֵטְא, which is one of the 39 forms of labor forbidden by the Torah.

Therefore King Solomon's court declared that ownership should also be a factor in determining different domains, and that carrying from ^{one} חֵטְא owned by one person to another חֵטְא owned by another person or jointly with other persons - is forbidden. This is Solomon's עֲשֵׂה חֵטְא, or "prescription of neighbors."

D. But just as Solomon added a prohibition, so he made provision for its alleviation. Just as he restricted action and movement on Shabbat, so he arranged for mere freedom of movement. He declared the Eruv - *ארווה* .

E. By this is meant that a method was proposed to abolish, for the sake of Sabbath-law, the concept of separate ownership and merge the owners into a common union of ~~material~~ *אחיא* possession of all domiciles, yards, streets, etc. A loaf of bread or challan or some ~~challah or some~~ other food is designated as belonging to all the *עירוב* - the neighbors or homeowners who wish to join the union - and placed, on behalf of all of them, in the home of one of them. This foodstuff, called the Eruv, belongs to all: hence, it symbolizes that all have equal rights in this room and in all rooms and houses, yards and streets, that who have expressed a desire to join in this project. Thus, through the Eruv, all properties are merged, and there are no separate owners, for all is now one *אחיא*, one large domain. With the knowledge that an Eruv is necessary, and that one exists, the possibility of erroneous conclusions is reduced, and carrying is once again permitted from house to courtyard.

F. We cannot go into all the laws of *ארווה*. They are quite complex and complicated. But two things should be pointed out. First, the Eruv is not a legal fiction invented to circumvent a previously existing law. The previous law already permitted carrying, for we are dealing with private domains, the *ארווה* and not *ארווה* or even *ארווה*. Thus, the very same Court of Solomon declared both the *ארווה* and the *ארווה* - the prohibition and the method for suspending it. The Eruv was not, as some have ^{naturally} ~~mistakenly~~ believed, a "daring, bold *Kula*." It was originated simultaneously with the prohibition it was meant to suspend.

The second thing to ~~keep~~ keep in mind is that the Eruv is meaningful only when we are dealing with a true *ארווה* insofar as dimensions and partitions are concerned. Eruv cancels out *ארווה*. It cannot vitiate an *ארווה* due to *ארווה* or transfer from genuinely different domains.

8. Assuming a community which is surrounded by the proper *אֵיזוֹן*, and is thus a true *כְּנֵז*, how is the Eruv instituted? If there are not too many homeowners, they all join personally and individually. Otherwise, the Rabbi does it on behalf of the entire community even without express permission, because of the principle of *כִּבְיָכֵי פְּדִיטָא* - we may confer a benefit upon a man even in his absence - and the Eruv is undoubtedly a benefit.

If it is an even larger community, then how does one include the streets in the Eruv? The answer is by *כְּנֵז*, or obtaining permission via formal or symbolic rental of the municipal properties, from the city authorities. As long as the *רִאשׁוֹן*, the Mayor or other municipal department heads - such as public health, fire, and police - may, even if only in emergency, enter any apartment or house they wish, then the entire consent for the Eruv may be obtained by the Rabbi or Beth Din in this manner.

V. Manhattan:

We have thus discussed the two separate problems that must be considered before carrying is permitted on the Sabbath. First was the question of *הַכְּנֵז*, and so arranging the dimensions or *גְּבֻלָּה* that the area not be a *רִבּוֹן* but a *כְּנֵז*. Second, once the *כְּנֵז* is established, the *רִבּוֹן* must be nullified by the union of all "neighbors" or citizens in an Eruv.

Since we all live in New York City, it might be of interest for us to ponder the halakhic status of our community insofar as carrying is concerned. The second part, that of instituting the Eruv to avoid the *פְּדִיטָא*, is of course the easier problem. If it can be established that we live in a *כְּנֵז* and not in a *רִבּוֹן* insofar as dimensions go, then what must be obtained is consent of both inhabitants and municipal authority for the Eruv. The first problem is the far more significant one, and it is this that merits our attention.

First, it should be emphasized that we are considering only Manhattan island. Brooklyn and Queens are merely the Western end of a much larger area called Long Island. Similarly, the other boroughs are not included at all in this discussion.

For purposes of our discussion, let us consider three separate questions

which will determine whether or not Manhattan is a *חצר*. They are:

1) A *חצר* a Public Domain, as we said earlier, is defined as
600,000 people ^{walk through streets} an open space where ^{longer} wider than 16 cubits. In Manhattan such conditions,
of course, do exist.

2) However, Manhattan is an island, surrounded on all sides by water
deeper than the required 10 *עמקים*. Does this constitute the *חצר*
required for a Private Domain or *חצר*?

3) Assuming that Manhattan can be declared a *חצר* because of the *חצר*,
do not the 13 or so bridges leading into and out of the city constitute a break
or breach of the *חצר* and in essence connect Manhattan to other areas? Thus
reverting it to a *חצר*?

Let us take up these questions one by one.

A) Apparently, Manhattan is the ideal "Public Domain." There are many times
more than 600,000 ^{people} pounding the pavement of our city, and its streets are certainly
wider than *חצר* 5'. The fact that the bodies of water on all sides are
חצר is vitiated by the bridges which are wider than 16 cubits and hence
constitute a breach, ^{thus} leaving Manhattan as if without any *חצר*.
The breach cannot be rectified by a *חצר* which symbolically closes
the opening in the walls, for *חצר* is effective only in bettering a
חצר "חצר". Therefore the fact that our bridges already have a
חצר by their very construction is irrelevant. This has been the
position of many of those who have steadfastly maintained that Manhattan is a
real *חצר* and hence no arrangement could ever be made to permit carrying
on this island.

However, Rabbi M. Kasher has brilliantly demonstrated - and received the
consent of the leading authorities of our times to his view - that this opening
of 16 cubits constitutes a Public Domain only when there are two such openings
with direct access to each other along a straight line - *חצר*.
If, however, these openings or gateways do not face each other directly, if they

C) The matter of the bridges was discussed a short while ago, and we pointed out that because no two bridge entrances are directly opposite each other, Manhattan cannot be called a Public Domain.

In addition, when we ponder the problem of whether bridges cancel out the *חצר* because of the principle that *חצר* *על* *הדרך*, that a thoroughfare for the public nullifies a *חצר* in its path, we must realize that according to certain authorities this holds true only for *חצר* *על* *הדרך*, a naturally-formed partition, such as ~~the~~ shoreline or hedges etc. But an artificially-constructed partition - *חצר* *על* *הדרך* is not cancelled by the passage of *הדרך*. Around all of this island of Manhattan there are placed water-breakers, fences, and walls to prevent any erosion of valuable real estate. (In the few spots where this is lacking, the fence around the nearby highway or the houses themselves constitute the artificial partition). This view, that bridges cannot vitiate artificial partitions is maintained by the *חצר* *על* *הדרך*.

All in all, it would seem - according to the best opinion available - that the bridge entrances themselves should be provided with a *חצר* *על* *הדרך*, if such a door-way is not already part of the original structure.

VI. Desirability of Eruv:

A) What we have tried to demonstrate in only a sketchy manner is that there is a body of opinion which considers Manhattan at most a *חצר* *על* *הדרך* and not a *חצר*. If the leading halakhic scholars were to decide in favor of this position, it would conceivably be possible to consider the next step: instituting an Eruv so as to receive the remaining "prescription of neighbors" or *חצר* *על* *הדרך*.

B) Historically, there were attempts to establish an Eruv in N.Y.C., but only for the eastern half of the city, bounded by the East River on the east and the then "3rd Avenue El" on the West. The proposal was first made by one of the very first Rabbis in America, a disciple of the *חצר* *על* *הדרך*. He was R. Zechariah Joseph Rosenfeld, who published his plans in 1895. He sent it to the illustrious R. Isaac Elchanan Specter who referred the case to the then

Chief Rabbi of N.Y.C., R. Jacob Joseph. The latter gladly gave his consent. In 1907, R. Joshua Siegel of N.Y.C. again proposed an Eruv for the East Side, and received the consent of the Bershaner Rav, the greatest "Posek" of the day. The Eruv was instituted, each Friday the 'challah' - for the Eruv - was faithfully prepared. All was done properly. Permission from city authorities was obtained for a 10-year period. Pious Jews accepted the Eruv. Then Rabbi Siegel died. The Eruv was no longer placed regularly. The 10-year period lapsed. The "3rd Avenue El" was dismantled. Nobody thought to do something about the situation. And despite the fact that carrying in New York City was - and is! - positively and absolutely forbidden, many observant Jews continued to carry and thus violated the Sabbath unwittingly. Many of those who look with disfavor upon any new plans for an Eruv point to this melancholy experience for support. In 1949 the ^{Am} Chasidic ~~Amshenover~~ Rebbe raised the problem again. But now there was a new question. The old El had come down. The outlying areas of Manhattan previously ^{unpopulated} ~~unpopulated~~ were now built up almost right to the shore-line. Artificial ~~islands~~ already surrounded the island. And so the efforts at instituting an Eruv for all Manhattan have been revived.

C) Those who are now considering the possibility of an Eruv have labored long on the problem. The halakhic issues are extremely complex. There are pedagogic questions to be answered. There is a tradition in Judaism that strongly encourages the establishment of Eruvin, and a reality of a Jewish community unlettered in Judaism which ^{can} ~~will~~ not and will not want to understand what this is all about.

Some of our most distinguished scholars are currently engaged in studying this problem. It is difficult to predict when the answer will be forthcoming, whether very soon or in the more distant future.

Whatever the answer will be, it has not been given yet. Until a qualified and competent Beth Din of acknowledged experts renders the decision that Manhattan is not a \checkmark \sim and that, it has therefore arranged for an Eruv, we - all of us -

must continue to treat carrying on the Sabbath as a ~~near~~ violation of the sanctity of the day and a transgression of a divine commandment. The fact that an Eruv may be instituted in the future does not retroactively grant me permission to carry today, any more than the knowledge that tomorrow is Sunday and ~~an~~ ^{an} is permitted allows me to smoke today.

VII. Conclusion:

A) We have tried to show how R. Meir Simchah's description of Passover as a process leading from constriction to expansion, from isolation to intermingling, is also experienced on the Sabbath as a result of the ruling of King Solomon, who increased the restraint of Shabbat by promulgating the ~~עירוב~~ ^{עירוב}, and at the same time told us how to make our way, through Eruv, to greater freedom and expansiveness.

The purpose of the Eruv and the resultant intermingling is not convenience, but a feeling of greater affinity between Jew and fellow-Jew because of our mutual faith; a greater fraternity as children of one God who gave the Torah. Before we can attain the concept of shared experiences with our neighbors as a way to God, a concept symbolized by Yem ^{le}ov and Eruv, we must first achieve the experience and ability of directly cleaving to God and Torah, each of us, individually - a principle inherent in Shabbat and especially in Solomon's

~~עירוב~~ ^{עירוב}. . .
B) Shabbat Ha-gadol, the Sabbath immediately preceding Passover, is therefore an appropriate time to discuss the restrictiveness of ~~השבת הגדולה~~ ^{השבת הגדולה} and ~~עירוב~~ ^{עירוב} and the permissiveness of ~~השבת הגדולה~~ ^{השבת הגדולה} and ~~עירוב~~ ^{עירוב}.

C) But this particular Sabbath, Shabbat Ha-gadol of the year 5722-1962, is especially appropriate to remind all of us about the greater sanctity of the Sabbath, and to bring to our attention clearly and unequivocally that under the present circumstances ^{and} until such a time that an Eruv is made, if and when it ever will come to pass, any and all form of carrying on Shabbat is an ~~עירוב~~ ^{עירוב}. Proud Jews, Jews who believe in God and accept His Torah, will refrain from violating this significant prohibition.

B) The late Rav Amiel ^{רמ"א} once explained the appellation ^{הגדל} ^{הגדל}

most beautifully. It is worth repeating now in conclusion of our talk on the laws of Sabbath as they are inspired by Passover.

Passover is the great Jewish festival of freedom. It is the most elaborate holiday we have. It falls in the month of Nisan which is ^{ניסן} ^{החודש}. In the Bible it is even referred to as ^{הגדל}, so that we are told that Sefirah begins ^{הגדל} ^{הגדל}.

One might think, therefore, that Passover is so important that it transcends even the real Sabbath and that Shabbat may be violated for the sake of Passover. It is a fallacy universally entertained by religiously ignorant American Jews who hold Rosh Hashanah and Passover in far greater esteem than Shabbat.

Therefore the Tradition singled out the Sabbath immediately preceding Passover and called it ^{הגדל} ^{הגדל} - "The Great Sabbath" - to teach us thereby that no matter how great the holiday, the Sabbath is greater, loftier, and holier. May the holiness of the Sabbath, and our proper and conscientious observance of it, be for all of us and for all Israel the media whereby we shall all attain to ^{הגדל} - the freedom celebrated on ^{הגדל} and vouchsafed to us by the promise of Almighty God.