

From the desk of...

Rabbi Adam Mintz

Eruv
in
Manhattan

RABBI CAMA -

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THAT YOU REQUESTED.

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MONDAY, FEBRUARY 26, 2007

Adam Mintz -- The Manhattan Eruv

In a [previous contribution](#) to *the Seforim blog*, Rabbi Adam Mintz discussed the significant roles of Rabbi Yosef Eliyahu Henkin and Rabbi Moshe Feinstein in the development of a unique *halakhic* response to the issue of the *mehitzah* in the American synagogue, based on a previous lecture delivered as part of his "History of American Poskim" series at [Kehilat Rayim Ahuvim](#) on the Upper West Side of Manhattan. The following historical and *halakhic* overview of the issues surrounding the Manhattan *eruv* is based on Rabbi Mintz's doctoral dissertation, "The Evolution of the American Orthodox Community: The History of the Communal Eruv" (New York University, forthcoming).

The Manhattan Eruv

By Adam Mintz

The first Manhattan *eruv* was created in 1905 by Rabbi Yehoshua Seigel who was one of the most notable rabbinic scholars of the time. He was born in Poland and served as a rabbi in Sherps before immigrating to the United States. He maintained the title Sherpser Rav in America and quickly became the leader of the Polish community in New York. He described the *eruv* and his impetus for creating it in his volume *Eruv ve-Hotza'ah* (New York, 1907).[1] Rabbi Seigel's *eruv* only encompassed the Lower East Side, utilizing the natural riverbanks of Manhattan on three sides and on the fourth side, the Third Avenue El. There was rabbinic opposition to Rabbi Seigel's *eruv*. This view is elaborated upon by Rabbi Yehudah David Bernstein in *Hilkhata Rabta le-Shabbata* (Brooklyn, 1910). Rabbi Bernstein, who studied at Slabodka, was one of the founders and early teachers at the Rabbi Isaac Elchanan Yeshiva in New York.[2] This *eruv* was utilized by many within the Polish and Galician communities throughout the first half of the twentieth century.

Rabbi Henkin's first encounter with the rulings on the *eruv* related to Rabbi Seigel's *eruv*. In his volume *Edut Le-Yisrael* published in 1949, he wrote, "There are many observant Jews and especially those Hasidim from Poland who carry here on the street on Shabbat relying on the permission of Rabbi Yehoshua Seigel of Sherps." [3] He went on to explain that this *eruv* is no longer valid due to changes that have been in the waterfront and in the Third Ave El. In addition, Rabbi Henkin explained that one of the requirements of the *eruv* is that the city be rented from the local authorities and that Rabbi Seigel had rented the city for only ten years which had long since expired.

The rejection of Rabbi Seigel's *eruv* by the Lithuanian community and the gradual relocation of the Orthodox community to the Upper East and West Sides led to an attempt to create an *eruv* around the entire borough. In 1949, the Amshinover Rebbe, Rabbi Shimon Shalom Kalish, asked Rabbi Tzvi Eisenstadt to explore the possibility of creating a Manhattan *eruv*. Rabbi Eisenstadt, who had studied at Slabodka and was recognized as a rabbinic scholar in both the Lithuanian and Hasidic communities, investigating the Manhattan waterfront and concluded that it was enclosed by man-made walls and that an *eruv* could be established. The *eruv* came into existence in the Spring of 1962 under the leadership of Rabbi Menachem Mendel Kasher, a well-known rabbinic scholar and author who lived on the Upper West Side.[4] The long duration between the introduction of the concept and its realization was due in part to the fact that several adjustments had to be made to these man-made boundaries. However, it was largely caused by the opposition and uncertainty within the New York rabbinic community to the creation of a community *eruv*. While there had been *eruvim* in the large cities in Europe before World War II, there were very few, if any, functioning community *eruvim* at the time in North America.[5] The rabbinic community was confronting an issue that would shape Shabbat observance to this day.

The first extensive treatment of this issue is found in Rabbi Moshe Feinstein's *Iggerot Moshe, Orah Hayyim* vol. 1, nos. 138-140. In these *teshuvot*, written in 1952 and addressed to Rabbi Eisenstadt, Rabbi Feinstein outlined his belief that an *eruv* cannot be built around Manhattan. His arguments in these *teshuvot* were legal and elaborated upon in great detail and it is clear from them that he had a high regard for Rabbi Eisenstadt.

Rabbi Yosef David Moskowitz, the Shatzer Rav, was one of the strongest proponents of the Manhattan *eruv*. In 1954, he had taken over the leadership of the project following the passing of the Amshinover Rebbe. Five years later, in 1959, Rabbi Moskowitz published a volume entitled *Tikkun Eruvim* (New York, 1959) in which explained the *halakhic* reasons for the viability of an *eruv* around Manhattan. Both Rabbi Henkin and Rabbi Feinstein wrote *haskamot* for this volume. Rabbi Henkin began by praising Rabbi Moskowitz's scholarship and commenting on the pleasure he received knowing that there are great rabbinic scholars in America. He continued as follows: "I do not feel that we can criticize the lenient ones merely as a precaution." [6] However, he does state that he remained uncertain as to whether the bridges and tunnels create a breach in the *eruv*. Rabbi Feinstein also complimented Rabbi Moskowitz on his work and wrote:[7]

"Even though there are areas in which I believe there are other opinions, this is the way of Torah where God watches two scholars disagreeing for the sake of heaven and unquestionably Rabbi Moskowitz has written for the sake of heaven."

Rabbis Feinstein and Henkin continued their communications regarding the Manhattan *eruv* in the years preceding the completion of the project. Rabbi Feinstein wrote two letters in which he stated that while he would not join with those who permitted the Manhattan *eruv*, he believed that there was significant basis on which those who permit it could rely. In a letter published in *Hapardes* 33:9 (June, 1959) Rabbi Feinstein elaborated on this theme and explained that in America where there is indoor plumbing and the shuls are well stocked with books, there is no need for a community *eruv*. However, he concluded, "If there are those who

still believe that there is need for an *eruv* for the sake of the children and for those who violate *Shabbat* unintentionally, I do not object, but I do not participate." [8] In a letter to Rabbi Leo Jung, rabbi of the Jewish Center on the Upper West Side of Manhattan, dated December 16, 1960, Rabbi Feinstein reiterated his refusal to condemn those who supported the *eruv* even though he would not participate in the project. In this letter he explained his reasons for not participating. "Even though there would be an advantage for those who are carrying on *Shabbat*... there would be a disadvantage for those who want to conduct themselves according to the *halakhah* and not carry in Manhattan who might now be inclined to carry." [9] The *eruv* was completed in May 1962. In June 1962, the Agudath HaRabbanim distributed a letter which reported on a meeting that took place on June 20, 1962. The letter read: [10]

In the meeting of the Agudath HaRabbanim that took place on Wednesday, *Parashat Beha'alotcha*, the 18th of Sivan, 5762, it was decided to publicly announce the decision already made by the Agudath HaRabbanim that it is absolutely forbidden to establish an *eruv* in Manhattan and that it is forbidden to carry in Manhattan even after the repairs that have been made or that will be made by some rabbis. Whoever relies on the Manhattan *eruv* is considered a *Shabbat* violator.

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This letter was reprinted in *Hapardes* 40:7 (April, 1966) announcing that a meeting of the Agudath HaRabbanim had taken place on the first day of *Chol Hamoed Pesach* of that year (April 7, 1966) under the leadership of Rabbi Feinstein at which time the decision was made to confirm the decision of 1962 and to call upon the rabbis to urge their communities not to rely on the Manhattan *eruv*. [11]

Rabbi Feinstein mentioned his participation in this communication of the Agudath HaRabbanim in two places in his *Iggerot Moshe*. In an addendum to his responsum to Rabbi Jung, Rabbi Feinstein reviewed his earlier letter comparing the situation in Manhattan with the *eruv* in Brooklyn and Kew Gardens Hills. He concluded this addendum as follows: [12]

However, shortly after my letter to Rabbi Jung, on the 18th of Sivan 5762 the rabbis of the Agudath Harabonim under the leadership of Rabbi Aharon Kotler and other heads of yeshivot met and decided to announce publicly that it is absolutely forbidden to establish an *eruv* in Manhattan and that it is forbidden to carry in Manhattan even after the repairs that have been made or that will be made by some rabbis.

Rabbi Feinstein also referenced this decision of the Agudath HaRabbanim in his responsum to

Rabbi Peretz Steinberg regarding the *eruv* in Kew Gardens Hills. In this letter dated April 1, 1974, Rabbi Feinstein supported the establishment of an *eruv* in Kew Gardens Hills and distinguished this area from Manhattan where he stated, "This is not to be compared to New York which was done against our will and the will of Rabbi Aharon Kotler and other Torah giants from the Agudath HaRabbanim." [13] In both these references, Rabbi Feinstein placed Rabbi Kotler as the chief spokesman of the Agudath HaRabbanim on this matter. It is uncertain whether Rabbi Kotler's influence convinced Rabbi Feinstein to change his mind vis-a-vis the Manhattan *eruv*. [14]

Rabbi Henkin also remained involved with the *eruv* project. Rabbi Kasher described that on March 25, 1959, the rabbis who were involved with the creation of the *eruv* met in Rabbi Henkin's home. At that meeting Rabbi Eisenstadt reviewed his findings and discussed the bridges and tunnels explaining how each one could be incorporated into the *eruv*. Rabbi Henkin's position at this meeting is not discussed by Rabbi Kasher but the fact that he hosted the meeting suggests, at the very least, a strong interest in creating a *halakhically* permissible *eruv*. [15]

On March 15, 1960, Rabbi Henkin signed as a member of the "Committee for the Sake of the Manhattan Eruv" on a letter written to the rabbis of Manhattan. In this letter, the committee reviewed the history of the *eruv* project and explained that the committee was ready to complete the project. They called on any rabbi or lay person with a comment either in favor or opposed to the *eruv* to respond within a month's time. In this communication, it is clear that Rabbi Henkin supported the creation and completion of the *eruv*. [16]

Rabbi Kasher included two letters that Rabbi Henkin wrote to him. In the first letter, dated November 1, 1960, Rabbi Henkin expressed his support for the *eruv* while expressing some reservations especially about the bridges and the potential break they created in the *eruv*. At the conclusion of the letter, Rabbi Henkin wrote that he did not feel that he was the ultimate authority concerning this *eruv* as there were many worthy rabbis who were working on the project. [17] In the next letter to Rabbi Kasher which is undated and which appears in the original at the conclusion of the *eruv* section of *Divrei Menachem*, Rabbi Henkin wrote that "I hang on the coattails of Rabbi Moshe Feinstein who does not criticize those who support the *eruv* even though he will not participate in this project." [18] In this letter Rabbi Henkin seemed to retreat slightly from his previous view.

However, Rabbi Henkin wrote a final letter to the "Committee for the Sake of the Manhattan Eruv" which clarified his opinion. In a letter dated July 12, 1961, Rabbi Henkin outlined his position. He wrote that it is crucial to complete the *eruv* in Manhattan and that Manhattan is not worse than other cities where an *eruv* has been established. He explained that the committee was waiting for approbations from other rabbis and then would convene a conference of rabbis to finalize the *eruv* project. Rabbi Henkin disapproved of waiting for a rabbinic conference as he wrote, "For I know from experience that it takes much time to gather the rabbis. Rather, make the necessary repairs and then announce that the repairs have been made and that the rabbis are supervising the *eruv*." He noted that until the committee received the approbation of the majority of the rabbis, the *eruv* remained one that can only be relied upon in times "of great need." He then listed the situations he considered to be "of great need."

1. For the sake of women and children who want to go outside, especially in the summer months.
2. For the sake of doctors who need to carry on behalf of patients who are not in life threatening situations.
3. For the sake of those who need to carry on the *Shabbat* of Succot to the succah.

He explained that New York is an exceptional city as there are many rabbis so that the *eruv* cannot be considered acceptable in all cases until the majority of the rabbis agree to its creation. Finally, he wrote that there is a need to publicize the fact that the *eruv* extends only to Manhattan and not the other boroughs.[19]

Rabbi Henkin never clarified whether he believed that this *eruv* had received the approbation of the majority of rabbis that he had felt was necessary. Due to lack of evidence, one can only conclude that he continued to believe that the *eruv* could only be relied upon in the situations he described in the July 12, 1961 letter. There was at least one Orthodox rabbi in Manhattan who advised his congregants that they could rely on the *eruv* as per the limitations in Rabbi Henkin's letter. However, these limitations allow us to understand Rabbi Henkin's view concerning the *eruv*. If the creation of an *eruv* was unacceptable, then carrying would not be permitted even in a situation of great need. The fact that he allowed carrying on *Shabbat* in a situation of great need showed that he was satisfied with the acceptability of the *eruv*. His problem revolved around rabbinic acceptance of the *eruv* and not its fundamental status. Given this consideration, it is understandable why Rabbi Henkin did not sign the letter of the Agudath HaRabbanim in 1962.[20]

In conclusion, both Rabbis Feinstein and Henkin took active roles in the history of the establishment of the Manhattan *eruv*. While during the process they each expressed their approval of the project with certain hesitations, in the final analysis, Rabbi Feinstein opposed the *eruv* while Rabbi Henkin approved it with reservations. Neither of these great Torah sages explained what led them to follow the paths that they did. Why did Rabbi Feinstein follow Rabbi Kotler and the decision of the Agudath HaRabbanim and what was Rabbi Feinstein's role in that deliberation? Why did Rabbi Henkin ultimately sign with the members of the "Committee for the Sake of the Manhattan Eruv" and why did he not write a final conclusion concerning whether this *eruv* has received the necessary approbation?

The history of *halakhah* does not provide all the answers but it gives us a window into a fascinating and important process.

[~~Continued~~...]

Sources:

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- [6] *Divrei Menachem* vol. 2, pp. 7-9.
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