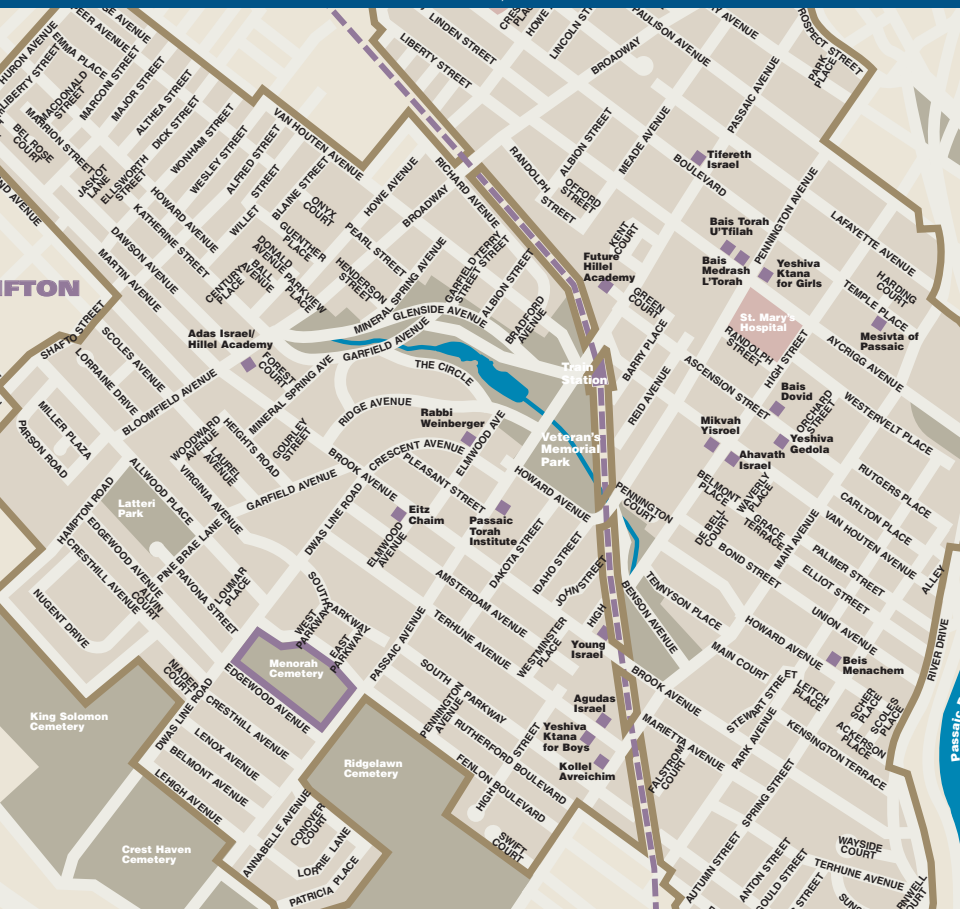


קונטרס דברי שלום ואמת

ERUV MANUAL of Passaic/Clifton

דברים אשר נתלבנו בין כותלי בית מדרש לתורה



RABBI CHAIM DAVIS

BAIS MEDRASH L'TORAH

קונטרס דברי שלום ואמת

ERUV MANUAL of Passaic/Clifton

מפני מה מערבין בחצרות מפני דרכי שלום
(ירושלמי עירובין פרק ג' הלכה ב')

HISTORY

In 1985, in honor of Shabbos Hagodol and amid great fanfare and ceremony, the Passaic-Clifton Eruv first became operational. This was accomplished through the efforts of Rabbi Chaim Davis, Rosh HaYeshiva of the Yeshiva Gedolah of Passaic, in consultation and with the guidance of the world renown halachic authority Rabbi Shimon Eider of Lakewood, NJ. The planning and fund-raising efforts were conducted by the Eruv committee consisting of Harry Greenwald, Dr. & Mrs. Yaakov Victor, Rabbi Chaim Davis, Stuart Billauer, Robert Roth, Rabbi Steve Roth, Rabbi Eugene Flink and his mother Mrs. Flink ע"ה. Passaic Councilman Herb Sorkin was very helpful in arranging meetings with the various utility and governmental authorities. Rabbi Chaim Wasserman also contributed by providing the labor of his efforts from previous attempts to construct a Passaic eruv. The entire project received the blessings of all the Passaic-Clifton Rabbonim. At that momentous occasion, an Eruv User's Manual was published by Rabbi Davis and the committee members. For the next ten years, the eruv was inspected annually by Rabbi Eider and supervised weekly by Rabbi Davis.

In 1995, Bais Medrash L'Torah published a colorful new Eruv Map created and designed by Yakov Wisniewski that highlighted the expansion of the Eruv and the overall growth of the Passaic community's facilities.

PURPOSE Today, the Passaic Eruv is supervised weekly by Rabbi Yonoson Sacks, מרא דאתרא of the Passaic-Clifton Agudas Yisroel and Rosh HaYeshiva in Yeshivas R' Yitzchok Elchonon. ברוך ה', our community has grown, and the eruv too has expanded, thereby making the previous maps obsolete. In addition, many people are unfamiliar with the complex halachos of eruvin or do not have the manual or Eruv Map.

The purpose of this new manual is to present updated information about the Passaic Eruv and to provide, in layman terms, a more comprehensive background of the halachos of eruv. This knowledge will help provide a better appreciation and understanding of the various issues and opinions regarding a city eruv. It is also the fervent hope of the author that this manual will contribute to an enhanced observance of Shabbos.

OVERVIEW The גמרא in עירובין סח. relates an incident concerning a ברית מילה scheduled to be performed on Shabbos in the city of the great Talmudic sages אבני ורבה. On that occasion, the hot water needed for the baby's bris could not be obtained without violating the איסור of carrying on Shabbos. After the episode, אבני was asked why, in a city where two great sages reside, had neither he nor רבה made an eruv. He responded that it was beneath the dignity of רבה to go collecting the necessary bread from door to door, and that he, אבני, was so

*A bris in
the 1800's*



engrossed in his learning that he had no time to properly supervise the eruv. Therefore, these two great אמראים were excused from their rabbinical duty. The Mordechai (אות תקט"ו) infers from this גמרא that under normal circumstances, when the מרא דאתרא is not similarly exempted, he has an obligation to make an eruv for the community.

Following this reasoning, the Rosh in a famous

תשובה (כלל כא' אות ח') admonishes the Rav of a certain city in Spain whose position was *not to make an eruv*, despite its halachic permissibility. The רא"ש was so adamant about providing an eruv, that he threatened to excommunicate and render the Rav a זקן ממרא (an apostate) if he did not change his position of objecting to its construction.

THE FOUR
DOMAINS
אָרְבַּע
דְּמֵאוֹת

The איסור מן התורה of carrying on Shabbos applies only when transferring an object from a public domain — רשות הרבים — to a private domain — רשות היחיד — or vice versa. An extension of this prohibition, a הלכה למשה מסיני, is the act of moving an object four אמות (approximately eight feet) in a רשות הרבים (שבת צז: ובעל המאור שם). The איסור רבנן extended this to include a semi public domain — כרמלת — thereby prohibiting carrying to or from a כרמלת to a רשות היחיד or a רשות הרבים. Henceforth, the only רשות in which one may carry is within a רשות יחיד provided that certain additional conditions are met. These include an עירוב חצירות, the joining together of all the co-users with לחם; customarily, a box of matzoh.

The criteria of a רשות היחיד is an area (minimum of four טפחים square — 16 inches) enclosed by מחיצות — walls or partitions. (There are many different הלכות pertaining to מחיצות, partitions, which regulate their כשרות but this booklet



The Chazon
Ish

is not the venue for such an in-depth study). However, the type of מחיצה that is most relevant to the construction of an eruv is the צורת הפתח — resembling a doorframe — two side posts and a piece on top. The Chazon Ish (סי' ע' אות יג'), while opposing the Pri Megadim that views צורת הפתח as rabbinic (מ"ב סי' שסב' סק"י), supports the view that צורת הפתח is an acceptable מחיצה מן התורה. Nonetheless, if traffic of a רשות הרבים passes through a צורת הפתח we encounter a problem of ומבטלא מחיצתא, אתי רבים, the public comes and abrogates the partition, effectively negating the מחיצה of צורת הפתח. There are several

ways to resolve this problem. One is to construct דלתות — “doors” across the רשות הרבים (דלתות הראויות) ולכלל הפחות דלתות (לנעול בלילה, at least being able to close at night). This approach isn't very practical because government authorities

usually will not grant permission for this solution.

The other solution is to eliminate the status of רשות הרבים from the area by a halachic determination. The criteria of a רשות הרבים, is quite complex because there are many more conditions and opinions to satisfy. In שולחן ערוך או"ח סי' שמה' ס"ז, the first opinion is that of the רמב"ם, who along with many other פוסקים (authorities), views a public area as sixteen אמות wide (approximately 25 feet) regardless of the amount of people that traverse through it. The second opinion is that of רש"י ותוספות that a רשות הרבים דאורייתא requires (daily) traffic of ריבוא ששים — 600,000 people. Based on this opinion, those cities that do not have high volume traffic can utilize the מחיצות הפתח and not be concerned with the problem of ומבטלא מחיצתא. For many years it was the widespread מנהג in Europe to follow רש"י ותוספות. The גדולי הפוסקים permitted, indeed, encouraged establishing eruvim in cities lacking ריבוא ששים (א"ח צ"ט) שו"ת חתם סופר א"ח צ"ט). (תשב"ץ ח"ב לז).

However, in the early 1800's, the (חאו"ח סי' קכ"י) משכנות יעקב challenged this leniency and maintained that most פוסקים follow the רמב"ם שיטת that our modern city streets are a רשות הרבים מן התורה even without ששים ריבוא and thereby invalidate our eruvim. The Chofetz Chaim (סי' שסד' בבה"ל ד"ה ואחר), followed this opinion and discouraged using an eruv unless there was a dire necessity to use it on Shabbos. Rav Ahron Kotler in his רבי אהרן שי"ת משנת רבי אהרן clarified with great erudition the dispute between the משכנות יעקב and the בית אפרים who upheld the prevailing מנהג. Nevertheless, Rav Ahron, together with Rav Moshe

Feinstein, maintained that in a large city such as Manhattan or Brooklyn, an eruv would not be permissible.

In 1922, Harav Yisrael Avraham Abba Krieger, the main Rav in Frankfort-Am-Main, Germany, published anonymously his monumental work titled דברי שלום ואמת permitting an eruv around the Jewish neighborhood of Frankfort. Notwithstanding Rav Krieger's vast encyclopedic resources and scholarly reasoning to allow the eruv, Rabbi Salomon Breuer זצ"ל, מרא דאתרא of Kahal Adas Jeshurun, was



The Chofetz Chaim



Frankfort-
Am-Main
Neue
Synagoge

against using it due to the specific nature of its construction. It is ironic that 60 years earlier, Rav Breuer's father-in-law, Rav Samson Rafael Hirsch, undertook to construct an eruv in Frankfurt. Despite his determination, permission was denied by the authorities because they didn't

want Frankfort to have the stigma of being "a walled-in city."

Rav Yechiel Mechel Epstein, in his *ערוך השולחן או"ח* , סי' שמ"ה סעי' יז-כב', justified the *מנהג* in Europe to allow *ערובים* despite the objections of the Chofetz Chaim. He contended that the *רשות הרבים* described in the *גמרא* applied specifically when it is the exclusive public street, highway or plaza. Therefore, in our era, when our cities have *many* public streets and shopping areas, our cities are not considered a *רשות הרבים* .

The Chazon Ish (*מגן אות ז')* also offered a novel leniency to create a *רשות היחיד* even in a large city that has *רובא* *ששים*.

In short, his thinking was that since in our cities the streets are surrounded by rows of buildings and are not *מפולש* — they dead end at some point, we automatically have three *מחיצות* of *מרוכה* *עומד* (more wall enclosure than open space). These *מחיצות* alleviate the problem of *אתי רבים* *ומבטל מחיצתא*. The Chazon Ish did not formulate his opinion strictly on the theoretical level. In 1938, Rabbi Eli Munk of Paris sought the guidance of Rav Chaim Ozer Grodzensky to establish an eruv for the Jewish community of Paris. Rav

Chaim Ozer in turn sought the advice of the Chazon Ish who was by then already living in Bnei Braq. The Chazon Ish's famous *תשובה* would have allowed an Eruv. However, Rav Chaim Ozer stipulated to Rav Munk that only under certain



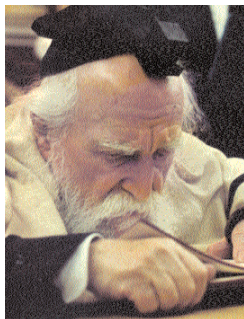
Rav Samson
Rafael Hirsch

other conditions could it be permitted. In the end, Rav Munk after realizing that these other conditions could not be met, sent Rav Chaim Ozer's letter to all the Rabbonim of Paris, that they could not have an eruv.

For a further in-depth study regarding trains traveling through the eruv and cemeteries inside the eruv, see שו"ת תענוגי ישראל סי' מבי ושו"ת דובב מישרים סי' סה' ושו"ת חזון נחום סי' לח'.

Despite the above mentioned מתירים, the prevailing מנהג in America is to follow the פסק of Rav Ahron Kotler (שו"ת

אג"מ או"ח ח"א סי' גדולי (קלח' ח"ד סי' פו"פטי וח"ה סי' כח' הפוסקים זכרונם לברכה), that in a large city such as Manhattan or Brooklyn, an eruv would not be permissible. An exhaustive work and פסק הלכה to permit an eruv in Boro Park and Flatbush, was compiled by HaRav Menashe Klein, שליט"א, in his שו"ת פוסקים שליט"א, in his prolific שו"ת פוסקים שליט"א. משנה הלכות ח"ח סי' סב' עד סי' קס"ג. In smaller communities, Rav Moshe Feinstein וצ"ל and many פוסקים maintain that there is indeed a mitzvah to have an eruv. This is the prevailing מנהג in ארץ ישראל and in



Rav Moshe Feinstein

America. There are some individuals who follow the more stringent view of the Chofetz Chaim of not using a city eruv contracted with walls of a צורת הפתח. It is important, however, for those who use the eruv and for those who don't, *to respect each other's views so that the eruv will truly be another resource to unify the community.*

TZURAS
HAPESACH
— ůǎǎ
çúôä

The common use of the term eruv refers to an enclosure of צורת הפתח, any structure that resembles a doorframe, two side posts and a lintel on top of them. A צורת הפתח is valid even if it was made without intention or as a result of nature. The source that permits this academic wall as a מחיצה is found in עירובין יא: and as mentioned above, the Chazon Ish and other אחרונים follow the view that a צורת הפתח is an acceptable מחיצה מן התורה. Since the צורת הפתח is a מחיצה, it therefore requires the same halachos of an actual partition. Consequently, it must be at least ten טפחים — 40 inches tall and cannot sway in the wind. In addition, a צורת הפתח has many



CLIFTON

- Eruv boundary
- Train tracks
- City street

- Hospital
- Park / cemetery
- Eruv area

3



500 ft



THE ERUV OF PASSAIC-CLIFTON

PASSAIC-CLIFTON INSTITUTIONS

Agudas Yisroel of Passaic

242 Terhune Ave

Bais Medrash L'Torah

210 Aycrigg Avenue

Bais Torah U'Tefilah

218 Aycrigg Avenue

Beis Dovid

72 Ascension Street

Beis Menachem of Passaic-Clifton

81 Howard Ave

Congregation Adas Israel

565 Broadway

Congregation Ahavas Israel

181 Van Houten Street

Congregation Eitz Chaim

355 Brook Avenue, entrance
on Elmwood Ave

Congregation Tifereth Israel

180 Passaic Avenue

Kollel Avreichim

5 Main Avenue

Mesivta of Passaic

49 Temple Place

Passaic Torah Institute

441 Passaic Avenue

Rabbi Weinberger's Shul

24 Crescent Avenue, entrance
on Elmwood Ave

Yeshivat Beit Hillel

565 Broadway

Yeshiva Gedolah of Passaic

55 Ascension Street

Yeshiva Ketana for Boys

249 Terhune Avenue

Yeshiva Ketana for Girls

181 Pennington Avenue

Young Israel of Passaic-Clifton

200 Brook Avenue

unique halachos of its own. Rav Akiva Eiger questions its kashrus if the lintel — wire — is not horizontal. Rav Ahron Kotler maintains that an angle of up to 45 degrees is acceptable as horizontal. The lintel cannot sag or sway in the wind more than 3 טפחים. A sidepost should not be under a protruding roof of more than 4 טפחים (approximately 12 inches) nor can the sidepost be placed in an enclosed area. The bottom of the sidepost must be within 3 טפחים of the ground. It must be directly under the lintel otherwise it is considered a צורת הפתח צורת הפתח and is invalid. For an in-depth study of צורת הפתח see ספר דברי יחזקאל סי' ו' והגר"ח על הרמב"ם פ"ט מהל' שבת ה"טו.

CITY ERUV

Many city eruvim in America utilize telephone, cable and electric wires with permission from the respective utility companies. Wires that go over the top of the poles, are a ready made

צורת הפתח. When the overhead wire runs along the side of the pole, simply attaching a wooden rod or plastic grounding cover to the utility pole up to underneath the wire is preferable. However, there are situations when this is not possible, for example when an electrical high voltage transformer prevents raising the sidepost to the wire. A solution that is often used is to place the sidepost directly and exactly underneath the wire, thereby employing the academic wall of גוד אסיק מחיצתא, the wall/sidepost is considered to continue going up. However, it is



Rav Ahron
Kotler

easy to err if great care is not taken to be absolutely certain that the sidepost is indeed under the wire since it's common for the pole or wire to slant on an angle.

Since it is common for a צורת הפתח to become damaged, the eruv does not retain its status quo of kashrus unless it is inspected before Shabbos. Likewise, it is important to check the entire eruv including the fences, walls, etc at least once a year to ascertain that no changes have occurred. It is the obligation of each individual who wishes to use the eruv to clarify *every Friday* that the eruv is operational. To this end, Passaic/Clifton employs a special eruv hotline that informs the community of the eruv's status. One can not assume that the eruv is operational unless one calls the hotline. In the event

of a snow or ice storm or hurricane before or on Shabbos, one should assume that the eruv is inoperable.

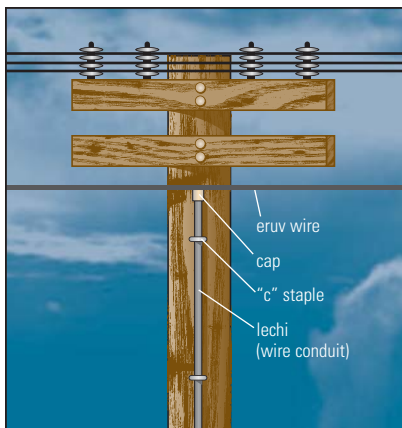
**ERUVEY
CHAZTEIROS**
עֵרֻבֵי
חַצְרוֹת

ז"ל say that in addition to a רשות היחיד being enclosed, all the residents must form a symbolic unified entity as well. The two methods that achieve this symbolic unified ownership are עירובי חצרות and/or שכירות רשות.

עירובי חצרות (the merging of the courtyards) works in the following manner. Loaves of bread are collected from every family within the eruv and placed in *one container in one home*. If it was kept in two places, the eruv would be rendered פסול (סיי קיבי שו"ת חכס צבי). This act, together with the ברכה and appropriate verbal statement, enables us to symbolically view all the residents of the area as if they are united as one family and all dwell in the house where the bread is kept. If it is not feasible or convenient to collect pieces of bread from all the families in the area, one person may take his bread and be מזכה (grant) the other residents ownership in it. It is preferable to know the location of bread. The prevalent custom is

to store it in one of the synagogues within the eruv. It is also the custom to use a box of Matzos that has the maximum required שיעור of eighteen גרוגרות (a dried fig, which is approximately one third to one half the size of an egg) and to replace it with a fresh one before every Pesach.

שכירות רשות (rental of domain) is necessary when the eruv includes residents who are not *Shomrei Shabbos* — either because they are not Jewish or because they are not observant. The people who carry in the eruv ask those residents who don't carry, to



A lechi

rent them their property, thereby giving them the right to carry in the eruv. Since this acquisition right is symbolic in nature, the rent paid is symbolic as well. In a large apartment building, the שכירות רשות can be with the landlord since he owns appliances in each apartment (אג"מ ח"א קמא').

In a city eruv when dealing with many non-Jews or non-observant Jews where it's a major difficulty to contact every-one, שכירות רשות can work here as well. Instead of asking every individual, one may ask a person that can control access to the area and is שוכר רשות from that person, his agent, or his employee. Prevalent practice in Israel is to contract the שכירות רשות from the police who have the authority to manipulate traffic on the streets. It is preferable to go to a high ranking official who has actual jurisdiction over the streets in question. In Passaic and Clifton, the שכירות רשות is from each Mayor. Without שכירות רשות, an eruv is invalid.

This שכירות רשות is effective even in an eruv where some individuals choose not to use the eruv or even object to it altogether. One reason is that the authorities have the right of entry, and under certain conditions, can enter houses at their will (חזון איש ס"י פב"י). The other reason is that we know that no G-d fearing individual would want the eruv to become invalid because of his objections (משנה הלכות ח"ח ס"י קכח'). Based on this logic, those individuals who do not use the city eruv and construct their own private eruv, do so with the understanding that if the city eruv is valid, they would not make their own eruv. Otherwise, it's recommended not to make a private eruv (ערוך השלחן א"ח סוף ס"י שפז').

USING AN ERUV

Shabbos is a time for all Jews, both young and old alike, to grow spiritually. In general, the objective of the eruv is to relax the prohibition of carrying in order to facilitate עונג שבת. Some examples are: wheeling strollers or wheelchairs; carrying a sefer, tallis, house key or edible food. *Any carrying that is not necessary for Shabbos is not permitted.*

Umbrellas may not be used even within the eruv on Shabbos or Yom Tov since opening and closing them is a violation of constructing a tent (אהל), a subcategory of building (בנין). Even if the umbrella was opened before Shabbos, it may not be used because of מראית העין. Please note that an unattached hood of a stroller, has the halachic status of אהל. However, the hood of a carriage which is permanently attached, may be fully opened on Shabbos (חזון איש א"ח נב"י ו').

Activities that are not in keeping with the spirit of Shab-



A father learning with his son.

bos remain violations of Shabbos. Every person should consider it his or her own personal responsibility to ensure that one's entire family maintain the proper behavior in the streets, public places and parks. Examples of inappropriate behavior are:

bicycle riding, rollerblading, skating, sledding, swimming, playing in a sprinkler; carrying handbags, pocketbooks, or wallets even if no money is contained in them; carrying large or heavy packages or furniture, carrying letters to a mailbox; feeding the ducks, geese or pigeons. Additionally, one may not enter a store to pick up merchandise such as a newspaper, even if payment was arranged before Shabbos. This is considered a business transaction and is a serious violation of the Shabbos. Ball playing of any type, even "catch", is inappropriate conduct. The תענית פ"ד הלכה ה' records in ירושלמי תלמוד that the city of טור שמעון was destroyed solely because of ball playing on Shabbos.

All of the above activities are *absolutely prohibited on Shabbos anywhere* within the eruv. The only exceptions would be in one's own backyard away from public view where a young child may ride a tricycle or play with a ball in a simple fashion.

ERUV BOUNDARIES

It is an essential part of the mitzvah of שמירת שבת to make oneself and one's family members totally familiar with the boundaries of the eruv. This would pertain to one's שבת guests as well. פוסקים also advise us that one should be very careful carrying near the boundaries of the eruv as they may inadvertently carry outside of the eruv. To this end, the Passaic/ Clifton eruv has been expanded recently to avoid some of



these problems.

Great care should be taken to explain to children the difference between an enclosed and an unenclosed area with regard to carrying. This will avoid confusion when the child's community eruv is not operational or when the child visits other communities that do not have an eruv. Likewise, adults should also be aware of this when visiting other communities where no valid eruv exists. Furthermore, one should train children to ask their parents or to call the hotline *every Friday* to determine if the eruv is operational for that Shabbos.

In general, the boundary streets, highlighted in purple, should be considered outside the eruv. The railroad bed and

Repairing the
eruv

all cemeteries are excluded from the eruv. One is allowed to carry under all railroad trestles. The legend on the map and the route listed below is a guide for general identification purposes only and not the precise location of the **צורת הפתח**.

PASSAIC/ CLIFTON ERUV

1. The eruv runs north on Bloomfield Avenue/Shafto Street until Rowland Avenue. It proceeds west on Rowland Avenue until Huron Avenue.
2. It then runs north on Huron Avenue until Van Houten Avenue and proceeds east and proceeds into the industrial complex on Factory Street. Using walls and fences, it crosses over the railroad by the Broadway viaduct (inside the eruv) and proceeds along the walls and fences north of the industrial area by Liberty Street until Eighth Street, and proceeds north on 8th Street to Paulison Avenue.
3. The eruv turns east on Paulison Avenue, then turns north on Madison Street, and then turns east on Gregory until Howe Avenue.
4. It continues northeast on Howe Avenue, proceeding east on Grove Street until Passaic Avenue.

5. The eruv crosses Passaic Avenue at Grove and Prospect Streets and continues on Prospect Street to Pennington Avenue.
6. At Pennington Avenue it turns south back to Paulison Avenue and eastward to Main Avenue.
7. It then turns south along Main Avenue until the entrance to Route 21, connecting into the fence by the Stadium and then continues south on River Road.
8. At South Parkway the eruv crosses over and connects with Carol Street and the fence behind Zelenka Park. It proceeds until Autumn Street and west on Rutherford Boulevard until it connects to the fences of York Wire Company.
9. The eruv continues west on Rutherford Boulevard to Main Avenue and turns south until connecting to the fence at Swift Court.
10. The eruv follows the fence of the cemetery up Fenlon Avenue, down Passaic Avenue and around Patricia Place. The south portion of Patricia Place starting at Gregory Manor Park is excluded.
11. The eruv crosses Passaic Avenue at Patricia Place (south), proceeds west on Lehigh Avenue to the King Solomon Cemetery fence.
12. The eruv follows the cemetery and industrial fences until Bloomfield Avenue and Somerset Place and then continues north on Bloomfield Avenue.

ACKNOWLEDGEMENTS

I want to express my appreciation and gratitude to the following individuals who were instrumental in bringing this publication to light: David Baumser, President, OMO Construction; Rabbi Moshe Heinemann; Rabbi Tuli Klein; Rabbi Chaim Komendant; Tova Press; Yakov Wisniewski; and all the generous sponsors.



ERUV HOTLINE 973-778-6655

SPONSORS OF THE ERUV MANUAL

ואלה יעמדו על הברכה

Mr and Mrs David Baumser

Mr and Mrs Avi Berger

Chaplain and Mrs Bruce Bublick USAF

Mr and Mrs Sholom Fireman

Rabbi and Mrs Tuli Klein

Rabbi and Mrs Chaim Komendant

Rabbi and Mrs Dovid Merkin

Mr and Mrs Howard Reece

Mr and Mrs Jeff Schachter

Mr and Mrs Tzvi Shlionsky

Mr and Mrs Sam Shoening

Mr and Mrs Yakov Wisniewski

Mr and Mrs Sholom Zeines

Anonymous



Bais Medrash L'Torah

210 Aycrigg Avenue

Passaic, NJ 07055

973-473-3666 Fax: 973-458-1126

Sivan 5763 / June 2003