

About the "*eiruv*"

On *halakhic* mixers

In this *shiur* we'll talk about "*eiruvim*" (עירובים):

- what are they
- how they are created
- some practical matters

Introduction

The laws of "*eiruv*" are laid out in the Laws of Eiruvim, Laws of Yom Tov 6, with definitions scattered in Laws of Shabbat, and Laws of Sukkah as well.

The word "*eiruv*" has as its root, the verb ע.ר.ב., which means "mixing". It is a Rabbinic enactment which "mixes" together things which, though permitted by Torah Law, might lead to confusion and possible transgression because people might be led to believe the Torah prohibition is permitted. That's not very explanatory, so let's dig in:

Types of *eiruv*

The kinds of *eiruv* are:

- *eiruv ḥaṣeroth* (עירוב חצרות) - a "mixing" of individual houses' courtyards, enabling carrying from house to house. Likewise *shituf* (שיתוף), which intermixes houses in an alley. These can be extended to encompass an entire city, and what is commonly referred to as "the *eiruv*".
- *eiruv tēhumin* (עירוב תחומין) – a "mixing" of the city limits with the Rabbinically prohibited area beyond them, to permit walking more than 2000 *amah* past those limits.
- *eiruv tavshilin* (עירוב תבשילין) – a "mixing" of food preparation which permits one to cook for *shabbat* during a *yom-tov* which is adjacent *shabbat*.

How are they defined?

An "*eiruv tavshilin*" is "not less than a *kezayit*" of food (see the *shiur* on "olives"), whether for a single person or for thousands. It may *not* be made with bread or fruit etc. Rather, it must be a cooked dish which would accompany bread (such as fish, meat, or eggs etc.) (Laws of Y"T 6:3). This "*eiruv*" must exist the entire time it affects (e.g. Friday) until all the cooking (e.g. for *shabbat* or second-day Y"T) is finished (*ibid* 5).

An "*eiruv tēhumin*" is created by leaving "two meals' worth of food" (a *grogeret* per person per meal, see *shiur* on "olives") within the *shabbat* limits, in the direction one wishes to move on *shabbat* (Laws of Eiruvim 6:1). By doing this, he can move 2000 *amoth* from the place he left the food, on *shabbat*. However, this variety of *eiruv* may only be done for the purpose of fulfilling a *mitsvah*, e.g. to attend a wedding meal, etc. (*ibid* 6).

The most common variety of *eiruv*, the "*eiruv hašeroth* or *shituf*" (from now on, just "*eiruv*"), is a bit more complex. **Most important** is that an *eiruv* can only be made between a *private domain* (PD) and either another *private domain*, or what's known as a *carmelit*. It *cannot* be made between a PD and a *public domain*, because the Torah prohibits that, whereas a *carmelit* is a variety of domain the Rabbis instituted (and prohibited carrying from a PD to or vice-versa), because it *resembles* the public domain. The exact definitions of the various domains are presented in Laws of Shabbat 14:4 *et. seq.*, and we won't explain them in detail here.

So among the requirements of an *eiruv* are:

- it may not mix a private and a public domain
- the area affected must be enclosed by a "fence" to distinguish it from other areas
- the inhabitants *must give permission* to participate in it

public domain is, among other things, any "through road of at least 16 *amot* width which isn't covered". So any through-road (e.g. not a dead-end) in our cities which is more than approx. 8 meters (26.25 ft) wide, is *by definition* a "public domain" according to Torah Law, and thus *cannot* be included within an *eiruv*. The fact that one commonly sees "*eiruv*s" in large cities which enclose major roads (let alone ordinary ones), is based on an interpretation of Rashi's that a "public domain" requires the passage of six-hundred-thousand people a day. Of course, that's not Rambam's definition, nor is it in either of the Talmudim. In fact, the story in (Bavli) Pesahim 66a regarding bringing a knife on *shabbat pesah* illustrates that Jerusalem streets were considered a public domain in ancient times.

enclosed by a fence means that the area in common (e.g. the area which is under the *eiruv*) must be surrounded by something which has the appearance of a barrier or enclosure. Any openings must have a "*šurat hapetaḥ*" (form of a doorway), which Rambam defines as: "a rod one one side, a rod on the other side, and a rod on top..." (Laws of Sukkah 4:2). The "doorway" needs to be strong enough to have an actual door hung on it, even one only made of straw. But note the language: "a rod on top". In other words, a self-supporting top part, as opposed to the "wire" used commonly, which cannot support its own weight.

inhabitants' permission means that *everyone* participating in the *eiruv* must give their permission to be included in it. If even *one resident* of a "courtyard" didn't participate in the *eiruv*, it is invalidated (Laws of Eiruvim 2:1). Likewise, if a Gentile is among the residents, the *eiruv* is invalid unless they *rent his property* from him for the duration of the *eiruv* (*ibid.* 9 *et. seq.*). If a Jew who transgresses *shabbat* in public (or is an idolater) is among the residents, he has the legal status of a Gentile, and the other residents *must* rent from him. However, if that Jew is a denier of Oral Law (e.g. he doesn't even admit the existence of the concept of *eiruv*) then he is not treated as a Gentile, and the residents cannot rent his property; instead, he must "nullify" his claim on the property to a kosher Jew.

Practical matters

Since we are:

- never asked to participate in an *eiruv*

- don't properly address Gentile ownership, nor
- properly address "secular" Jewish ownership,
- don't have a proper fence enclosing any *eiruvim*,
- enclose Torah-defined public domains within our "*eiruvim*"

our current *eiruvim*, in almost all locations, are clearly not valid.

When I asked a prominent Rabbi how we can use such *eiruvim* when they don't adhere to any of the criteria listed in Mishne Torah (or the Talmudim), he said "you are permitted to be more strict", and "there are no Torah 'public domains' in our cities" (clearly wrong); that the wire on top is a leniency which is also applied to "mixed vines" (I could not find a reference to any such leniency, though I didn't research it intensively); and that "we rent the courtyards from the mayor of the city" (how does the mayor have any authority to buy/sell/rent our properties without our explicit consent?).

Rather than say, "people today haven't the strength to obey the Rabbinic institution of the *eiruv* and so we essentially ignore it", they make up fictional explanations for how these "*eiruvim*" are legitimate when they clearly are not.

May God have mercy on us for obeying such "Torah leaders".