

Sephardic Rabbinical Council

OF THE SYRIAN & NEAR EASTERN JEWISH COMMUNITIES IN AMERICA

Rabbi Saul J Kassin, Chief Rabbi

Commonly asked questions about the Mehisot Erub being built by the Sephardic Rabbinical Council for the Sephardic community in Brooklyn.

The following responses were prepared by Rabbi Ronald Barry summarizing the Sephardic Rabbinical Council's research and work on the Mehisot Erub.

What does an Erub accomplish and what importance does it play in promoting Sabbath observance?

Carrying from one's home to an outdoor public area or vice versa, or within a public area is prohibited on the Sabbath. An Erub is a Halachic solution for neighbors to pool resources permitting carrying outside their homes. It was applied to large sections of cities and towns and to entire cities. It helps to reduce hardship to observant families, the elderly, and the infirm as well as helping to remove Sabbath desecration by the less observant.

The Torah prohibition of carrying on the Sabbath is a very serious one and transgression of it by the general public is not uncommon. Traditionally the Rabbinic position has always been that saving people from such a serious sin with a Halachically acceptable Erub overrides all other considerations. Sabbath observance is the foundation of Jewish belief, practice, continuity and redemption. Creating institutions such as an Erub to facilitate Sabbath observance is of the highest importance.

How ancient is the tradition of creating Erubin and how mainstream is it to Judaism?

The Talmud relates a story way back to King Solomon that upon the establishment of the concept of Erubin, Hashem responded with encouragement and praise. Gaonim and Rishonim following the Talmudic tradition required localities to establish and maintain an Erub even to the extent of threatening opponents with excommunication, as

exemplified by the famous story of Rabbenu Asher in early 14th century Spain.

Throughout the past 2 millennia numerous erubin for towns and sections of cities are documented, both in the Ashkenazic and Sephardic communities. Today there are erubin for entire cities and neighborhoods throughout Israel and the Diaspora. There are perhaps 100 Erubin in American cities and many are in the planning stages.

What are the requirements for building an Erub in a modern city?

Requirements for an Erub in application to a modern city include:

- (1) determining that the area is not a Biblical public domain,
- (2) physically enclosing the area with walls and doorways,
- (3) acquiring the area from municipal authorities for Erub purposes,
- (4) pooling resources together via a shared food item, and
- (5) no unenclosed disqualifying area within the boundaries.

What methods of enclosure are effective for an Erub?

The classical enclosure is that of a walled city. Our Sages have also considered doorway openings - Surat Hapetah to be walls if they have two side posts and a string (any minimal lintel) that crosses directly above the top of the side posts. When the majority of a long wall is the Surat Hapetah (doorway opening format) type, some hold that it is not as acceptable. The more acceptable type has the majority of its length as a solid wall.

How many walls are required to make an Erub enclosure that meets even the strict view and removes any question of Biblical prohibition?

An enclosure that removes any Biblical prohibition, is called a “Mehisot Erub”. It includes three walls with

- (1) the majority of each wall being an actual wall
- (2) the minority may be a Surat Hapetah (poles and strings) wall while the fourth side may be entirely a Surat Hapetah (poles and strings) wall.

What is the legal definition of a public domain and how must an area be enclosed to convert it to be considered a private domain and allow carrying?

Shulhan Aruch states two different definitions of what constitutes Reshut Harabim - a public domain – where carrying on Shabbat is Biblically prohibited.

The main opinion defines a Reshut Harabim (public domain) to be streets that have all of the following conditions, and if it lacks one condition an Erub can be effective to permit carrying.

- (1) 16 amot or more wide (24+ feet),
- (2) no roof above it,
- (3) no wall around it, and
- (4) Mefulash – the street runs in a straight line from gate to gate:
 - (a) even if it is enclosed with a wall if the street runs straight (Mefulash) from gate to gate the gates must be closed at night,
 - (b) and some say that even if the gates are not actually closed at night but are capable of being closed (not permanently sunk into the ground).

Under this definition for an Erub to be effective for a city with wide streets you would need either (a) walls around the city and gates at the entrances, or (b) the street endings do not run in a straight line (Mefulash), then walls around the city without gates would suffice.

(2) The second opinion in Shulhan Aruch states, “some say that any street in which

600,000 people do not pass through every day is not a Biblical public domain.” This would preclude almost any street or city from being a public domain and remove a major problem for erubin planners. Most Ashkenazic Rabbis and some Sephardic Rabbis relied upon this opinion to construct erubin even in cities with wide streets that are straight (Mefulash) from opening to opening.

Which of the two opinions do we follow as the Halacha?

Normally when Shulhan Aruch has a “general” opinion followed by one of “some say” the Halacha would go like the first opinion. But since elsewhere in Shulhan Aruch the second opinion “that nowadays there is no reshut harabim” is stated and used as a possible explanation, it may indicate that the Shulhan Aruch is going like the second opinion. As a result we have a controversy in interpretation, with most Poskim going by the second opinion. We must note that, due to this question, a significant segment of Sephardic Poskim prescribe for Bnei Torah not to personally carry within an erub that only meets the secondary opinion’s criteria and when relying on another leniency when the walls are mostly made of the Surat Hapetah (poles and strings) type.

Are we permitted to carry without any type of wall enclosure if the area lacks one of the factors of a Biblical Reshut Harabim (public domain)?

No, as there is a Rabbinic prohibition on carrying in a “Carmelit” which is an area that is missing qualifications of a Biblical Reshut Harabim (public domain). In order to be considered a private domain in which carrying is permitted all five of the requirements of an Erub for a modern city (listed above) must be met including a wall enclosure.

What is this Mehisot Erub that you have planned for our Brooklyn neighborhoods?

Our Mehisot Erub is the preferred type of enclosure that meets even the strict view and removes any questions of both Biblical and

Rabbinic prohibitions. The vast majority of 3 sides being actual walls and the minority being Surat Hapetah (poles and strings), with the fourth side being mostly Surat Hapetah (poles and strings). Due to the fact that our Brooklyn streets endings do not meet the definition of Mefulash and do not run in a straight line, gates closed at night are not required. As an enhancement we have added Delatot (gates) that are closed on occasion.

(For the scholarly reasoning of this approach, the following elucidates the details of this ruling. Brooklyn streets, although wide, are lacking any main street that goes straight from one end of town to the other end without a detour or significant curve. Also no street connects straight through from one town to another town since Brooklyn is surrounded by water on 3 sides. This meets the straightforward definition of Maran Bet Yosef of not being “Mefulash”, which then makes a Mehilot enclosure effective without necessitating gates closed every night. Even the section of Ocean Parkway that is within our erub borders curves sufficiently at Avenue W to be considered not Mefulash according to the writings of Porat Yosef Rosh Yeshiva Rabbi BenSion Abba Shaul Z”L. It is clear that according to our Sephardic Poskim our streets are not Mefulash and, along with our Mehilot, remove any question of being a public domain. Maran Bet Yosef clearly states that if it is not Mefulash even only on one side, then Delatot (gates) closed at night are not required. As an enhancement we have added Delatot that are closed on occasion.)

Why do you call it a Bet Yosef Mehilot Erub?

Although the majority of the Poskim have approved Erubin whose perimeter is entirely Surat Hapetah (poles and strings) even in streets that are very wide, (see Rabbi Obadia Yosef’s recent responsa permitting the Deal Erub and one in Los Angeles, Ca.) such as in Israel, Syria and Egypt, etc., we have taken steps to establish this Erub with Halachic enhancements including that (1) the vast majority of the perimeter is made up of actual walls, (2) the gaps are closed with Surat Hapetah, (3) gates are added.

Erubin experts who have studied our Mehilot Erub have declared it to be a “Bet Yosef Mehilot Erub”, in which carrying is permitted even for our strict and G-d fearing members.

Does the Rabbinical Council endorse it and how reliable will this Mehilot Erub be?

Our Sephardic Rabbinical Council members unanimously deciding to embark upon this holy project for our Brooklyn community and after almost 6 years of research, planning and implementation, we proclaim that this Mehilot Erub is being built with the highest Halachic standards for the members of our Sephardic Syrian, Egyptian and Lebanese communities in our Brooklyn neighborhoods.

We received permission from the appropriate authorities and have been granted the domain from the city as prescribed in the laws of Erubin. Erub communal matsot will be officially designated.

We have consulted with former and current Sephardic chief rabbis in Israel, and have received their blessings and Halachic approval of our efforts to build a Mehilot Erub for our Brooklyn Sephardic community, - some given verbally, some in letter format and in addition some referring to their supportive writings on the subject. These will be posted on the Erub website upon completion. The actual construction of our Mehilot Erub is being constructed under rabbinic supervision of experts in the field of Erubin.

What upkeep and maintenance will be provided to ensure the Erub’s continuity?

The **Sephardic Brooklyn Community Erub, Ltd** has been founded to maintain the upkeep and ongoing supervision and checking of our Mehilot Erub. They have contracted for weekly checking by an eminent Talmid Hacham, well versed in the intricacies of *erubin*, and for maintenance of the Erub upon its completion. As weather conditions and other natural and manmade problems may cause any erub to fail, and although any problem will be addressed and fixed promptly, it is possible that on occasion the Erub will

be down. As such an **Erub hotline number 718-375-ERUB (718-375-3782)** has been established for members to call and confirm that the Erub is in force. A website, **www.erub.org** is being set up with more details with email notification to subscribers.

What communal financial support is necessary for the project to become a reality?

We began this endeavor being assured by many community members that once the project is well on its way they would be forthcoming with the funds necessary to cover costs and ensure its future maintenance. We urgently need funds now to cover the outlay and to secure the ongoing upkeep. We have agreed to take the responsible approach to initiate its completion only after funds to cover three years of upkeep are raised in advance in order to guarantee the Erub's permanence. Your timely and generous support is essential for the successful completion of this project. We look forward to your kind and sustained support and encouragement. **Your tax-exempt donations should be sent to "Sephardic Brooklyn Community Erub, Ltd." 583 Kings Highway Brooklyn, NY 11223-2046**

How is it possible to build an Erub in a populous borough like Brooklyn?

The secondary opinion in Shulhan Aruch that a public domain has an additional requirement of having "600,000 people traveling on that street every day" was relied upon to be lenient in constructing Surat Hapetah Erubin (poles & strings) in cities with a wide main street that is Mefulash (straight). It is not a criterion for our Mehisot Erub which is effective according to the main opinion in Shulhan Aruch, and which can assuredly be relied upon even for our strict and G-d fearing members.

The Mehisot type of Erub has been established in certain other North American cities where they were able to accomplish it, such as Toronto, Canada, West Rogers Park, Chicago, San Fernando Valley, CA and the new Los Angeles Erub. Where you have three actual

walls and with a minority portion of each that uses Surat Hapetah to close off any breaches, with the entire fourth side utilizing Surat Hapetah, it is acceptable even according to the stringent view of Rambam.

How does the 1970's responsa of Rabbi Moshe Feinstein Z"l regarding Brooklyn apply to our Mehisot Erub for the Sephardic community?

As we stated in the previous answer, our Mehisot Erub meets the criterion of the main opinion in Maran Shulhan Aruch. The 600,000 opinion is the lenient opinion which was invoked to take the lenient approach in wide streets where a majority of actual walls was not possible. It should not, and does not, apply when we've met the standard of Shulhan Aruch's main and strict opinion of what constitutes a public domain and the strict view of what constitutes an enclosure. Actually Rabbi Moshe Feinstein Z"l writes that he initiated and approved an Erub for Seagate, though it is part of Brooklyn, as it had actual fences on 3 sides and used Surat Hapetah for most of the 4th side and included gates.

Although it would not affect a Mehisot Erub, can you explain further about the 600,000 opinion since it is invoked whenever an Erub is planned, especially in Brooklyn?

It is important to clarify and correct what the masses have heard about the secondary opinion of 600,000 in Maran Shulhan Aruch which standard Ashkenazic Halacha relies upon. A goodly number of Sephardic Poskim also rely upon this – some straightaway and some as a Safek (doubt) within the two opinions in Maran Shulhan Aruch. Maran's definition here of a public domain is precise, while the stringencies of some Ashkenazic Poskim including Rabbi Moshe Feinstein Z"l clearly depart from Maran's codified definition. Maran, speaking of the streets that are defined as a public domain, states, "And some say that any (street) which 600,000 people do not traverse every day is not a Reshut Harabim (public domain)". Accordingly, a street must meet all 3 of the

following conditions to be a Reshut Harabim (public domain):

- (1) daily occurrence “every day”,
- (2) referring to a single main street, and
- (3) involving 600,000 or more people in actuality, not just an assumption of 600,000 people.

Rabbi Moshe Feinstein Z”L’s opinion on Brooklyn departs from Maran’s standards by defining a Reshut Harabim (public domain) as:

- (1) even an occasional occurrence and not requiring it to be a daily occurrence,
- (2) combining together the entire population in all the streets of the city to make up the 600,000 people,
- (3) even if 600,000 people being there is only an assumption, while in actuality it may be less.
- (4) Additionally he counts people inside vehicles, which many Poskim disagree with including Rabbi Obadia Yosef, shlita.

Nevertheless Rabbi Moshe Feinstein Z”L was lenient on Erubin elsewhere, such as in Kew Garden Hills, Queens and Detroit, Michigan based on his reasoning that only in cities with close to 3 million people must you assume that there are 600,000 people in all the streets. He holds that this is similar to Israel’s sojourn in the desert where 600,000 men are in the streets with about 5 times that number in the tents. At the time of his writing Rabbi Feinstein assumed 600,000 people in all the streets of Brooklyn because at the time there was a population of 2.7 million people. Plus, in those days there were thousands of visitors on summer weekends to Coney Island Beaches, bringing the assumed population in all Brooklyn streets to 600,000 on a hot summer day.

As much of his reasoning here and above was unconventional, he clearly stated more than once in his Teshubot that he did not make this a clear cut Pesak for Brooklyn and only wrote down his opinion since there was a rumor that he was the Rabbi who gave the approval to the Flatbush Erub. It is interesting to note that it’s

common knowledge now that Brooklyn’s census population decreased significantly from a high of about 2.75 million in the 1950’s and 1960’s to 2.3 million throughout 1980’s and 1990’s and 2.45 million in 2000.

Can you explain why our Sephardic Rabbinical Council rabbis have decided to make a Mehisot Erub now, although our community rabbis of the previous generation did not, and may have not been in favor of doing so?

The problems involved with having no Mehisot Erub in Brooklyn have become greater, and the circumstances in our community have changed dramatically, enabling the building of a proper Erub for our Brooklyn Sephardic community.

Several years ago our sister community in Deal NJ, serving the Brooklyn community for the summer and experiencing a similar situation with the identical population constructed an Erub with the approval of our rabbis and the Sephardic Chief Rabbinate in Israel. Current and former Chief Rabbis, when visiting our community, observed for themselves the serious problem of carrying on Shabbat in our Sephardic Brooklyn and Deal communities and continuously urged the community rabbis to construct a proper Erub. The problem has become larger with the immigration from Syria ten years ago, as they had Erubin in Syria, and people were used to carrying on Shabbat without restriction. In fact, many continue to do so here. Also, many more people got used to carrying in the summer with the Deal Erub and return to Brooklyn with confusion and great difficulty on Shabbat. Lastly, there are many people who traditionally keep much of Torah and mitzvot and are unable to abide by the prohibition of carrying on Shabbat. This fact was the compelling reason for the establishment of the concept of Erubin in the first place by our wise Sages of old.

Our Sephardic community is expanding westward, with people purchasing homes and several major community institutions building

in that area which is outside the borders of even the Flatbush (Surat Hapetah) Erub. People there are presented with major hardships for young families, the elderly and the infirm, and without any Erub coverage upon which to rely even under extreme circumstances. Our Mehisot Erub borders will include that area as well and will alleviate this situation.

New Circumstances Enable Halakhically Approved Mehisot Erub

Our community rabbis of the previous generation may have been reluctant or unable to involve themselves in constructing an Erub in Brooklyn due to worries and concerns that do not apply to our Mehisot Erub under present conditions. These include the difficulty in the past of getting permission from city authorities, doing the actual construction, and maintaining the Erub. Today there are in existence numerous Erubin built with city permission, including many here in various Brooklyn neighborhoods, with reliable Erubin Rabbinical experts and committees who on a weekly basis check and repair the Erubin.

Actually we heard independently from Mr Sam Catton and Mr Al Azar that their rabbi Haham Matloub Abadi Z"l prior to WWII spent a year working on an Erub for Brooklyn which he considered Halachically doable, but abandoned it due to circumstances out of his control. His reported writings on the subject are missing and therefore have not been published.

Another concern was that if an Erub was built here at home in Brooklyn, family members would get used to carrying on Shabbat and would continue to carry when they go away to a city where there is no Erub. Chief Rabbi Eliyahu Bakshi-Doron, shlita, in his Deal Erub Teshubah with support from other major poskim, dismisses this concern. In brief, he writes that we may not add such new decrees. Additionally, as most of the places that our families go away to already have Erubin that are relied upon to carry, such as Deal, Miami, and all Israeli cities, there should no longer be

any such concern. Today we can count hundreds of Erubin in cities around the world. On a sociological level, our rabbis were battling much more serious matters that threatened the future of our community, in addition to the myriad of communal concerns the rabbis had in administering to an entire community. The concern for an Erub was dwarfed by major community survival issues such as intermarriage, unity as a community, working on Shabbat by a majority of the community who were in retail businesses, or working for American companies with a six day workweek that included Saturdays with no Sunday substitution option. It is understandable for our Rabbis to strive for the greater issues that would ensure our future as a Jewish community and they were extremely successful in their approach as witnessed by what our community is today.

And finally some of our previous generation rabbis may have been reluctant to rely upon an Erub that is entirely made up of Surat Hapetah (poles and strings). Our Mehisot Erub is being constructed with actual walls or fences for the overwhelming majority of its perimeter, and as such there no longer exist grounds for opposition based on this point.

Rumors have it that there will be opposition to the Erub. Is active opposition to establishing a Mehisot Erub for our Brooklyn Sephardic Community justifiable?

We can learn from a very revealing response of the greatness of Rabbi Moshe Feinstein Z"l, who had Halachically disapproved of the Manhattan Erub. He was asked if it should be opposed and protested against.

His response was that, although it may create confusion for some, he wrote that it is not for us to protest those who are lenient, and it will be permitted to carry there according to certain opinions. He repeated that those Rabbis who established it are also great and capable rabbis, who have determined that an Erub is appropriate and Halachically effective and as such, we may not protest it.

In addition we have shown above that our Mehisot Erub is being done with extra strictness to appeal even to the very strict and G-d fearing members of our community.

How soon do you expect to complete the project and carrying be permitted?

We are working diligently to try to complete it within a short period of time, hopefully this Spring 2003. If the funds are forthcoming, with weather and other conditions permitting, we hope to succeed with G-D's help. Announcements will be made in the synagogues upon its completion with guidelines given at that time, and in

community magazines such as the Sephardic Image.

Please note that carrying will only be permitted within the map borders as outlined in the official Erub map that will be included with the guidelines. Actual perimeter walls may vary outwards at some locations. Also, the Erub does not make it permissible to engage in outdoor activities that violate the spirit of Shabbat.

It is our fervent prayer that the Al-mighty bless this holy endeavor with success and that it be a source of great blessing to our community and K'lal Yisrael.

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