

Feasibility Report on the Construction of an Eruv in Squirrel Hill

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In late August, 1977, I made a preliminary inspection of the proposed site with the help of Mr. and Mrs. John Santo for the purpose of assessing the desirability and feasibility of erecting an eruv in the Squirrel Hill area. I presented initial thoughts and findings to members of the committee the same evening. Our discussion included the following topics, among others:

I. Fundamental Eruv Concepts

- 1) Brief overview of essential halacha of *שבת, יום טוב, חול המועד, חול, פ"ד, שבת, יום טוב, חול המועד, חול, פ"ד, שבת, יום טוב, חול המועד, חול, פ"ד*

II. Desirability of the Eruv

- 1) Sensitivity to possible *שינוי* introduced by an eruv.
- 2) Possible remedies.
- 3) Problems in *פיקוח* of children.

III. Role of the community rabbinate

- 1) Need for constant supervision and guidance of local Torah authorities.
- 2) The inviolate nature of their decisions.
- 3) The need for enlisting the aid of all local rabbis.

IV. Practical considerations

- 1) Route mapping.
- 2) Choosing an architect, construction company and suitable materials.

V. Particular Squirrel Hill situation.

It is to this topic that the bulk of this report is devoted.

The single most fundamental consideration in examining whether an eruv may be constructed is the inclusion in the area of a rshus harabim d'ohraisah. A tzuras hapesach is a symbolic enclosure for a symbolic public domain, not an actual public domain. All eruvim that are built in modern communities are predicated on shitas Rashi that a rshus harabim is defined as an area travelled by not fewer than 600,000 people daily¹. The halachic determination of whether an area is devoid of a rshus harabim is the first step in the construction of an eruv. The presence of an actual rshus harabim will make it impossible under most circumstances for an eruv to be constructed. This determination includes assessing the number of residents in an area, plus highway and mass transportation traffic. There are some other parameters governing what may be called a rshus harabim. Some things worthy of mention are that in order for a street to be called a rshus harabim not every block or every part of the thoroughfare need hold 600,000 people. If an entire area or neighborhood considered together holds 600,000 people it may be considered a rshus harabim². Also, according to some shitas, a highway connecting two cities may be considered a rshus harabim even if it is not travelled by 600,000 people³. For this reason, it is very likely that Interstate-376 might have to be avoided.

In the case of Pittsburgh, Interstate-376 does not necessarily pose an insoluble problem in that it may be possible to connect points south of the highway through streets where the highway passes underneath (perhaps Greenfield Road, Shady Avenue or Beechwood Boulevard). The airspace of a rshus harabim is not considered to be a rshus harabim⁴. Where a real rshus harabim exists, some poskim permit the sealing off of the area through actual gates (doors) called delasos⁵. This pesak is controversial - many disagree including the Chazon Ish⁶. In some communities it was chosen to incorporate delasos as a chumrah for streets that were considered to be a problem of rshus harabim

but which might be a rshus harabim according to a minority view. Therefore, it might be decided by the community to put up delasos on main streets that connect different neighborhoods where there might be some doubt as to whether the street might be considered as one that connects 7'88 7'8. Plans for construction of such delasos are also described in 7. They can be made rather inexpensively through a series of wires within three tephakim of each other wrapped around a large spool. Rabbi Moshe Feinstein is not generally impressed with the necessity for delasos or the way they are commonly constructed today.

A. Routing

The east-west boundaries of the neighborhood are naturally defined by Schenley and Frick Parks. Unfortunately, no fences which would offer ready-made mechitzos skirt the perimeter of either park. It is unlikely that the municipality would allow construction of lechayayim (hereafter referred to as "lechees") through the park proper. We also have to rule out routing the tzuras hapesach (hereafter referred to as the "eruv") along Beechwood Boulevard which roughly conforms to the western perimeter of Frick Park. Since the eruv runs along poles adjacent to the curb, the sidewalk and houses east of the curb would lie outside the eruv. It is common practice to ban carrying altogether on the street where the eruv actually runs, since it is confusing to allow carrying on one side of a street and prohibit it on the other. In any case, running the eruv on Beechwood Boulevard would exclude too many Jewish residents. Similarly, there is no point on the eastern perimeter of Schenley Park suitable to the erection of an eruv. We also fail to observe an immediately obvious route through Schenley Park using the Park Drive. The existing poles run few and far between and were of a configuration and material difficult to work with. It would seem that the alternative is to go around both parks on their far side. Doing so, however, increases not only the cost

but makes mandated weekly inspections unwieldy because of vastly increased size. One cannot set hard and fast rules but it is probable that an eruv that requires more than one hour to be checked is an invitation to trouble. At all stages of planning, one of the most important considerations is the extent to which any feature will add or detract to the ease of checking the eruv each week.

There are good reasons to believe, however, that natural mechitzos may exist on much of the eastern and western sides. Just west of Schenley Park, running its entire north-south length is a sharp dropoff. If within four amos of slope a dropoff of ten tephakim is achieved, the dropoff itself is considered a mechitzah⁸. Halachic authorities give the amah as anywhere between 18 and 24 inches and the angle would change accordingly. A practical (but not binding) guide can be found in Rabbi Eider's Eruv manual just for approximation. His obtained angle is 24.7 degrees⁹. It is likely that the dropoff in question meets specifications. Natural mechitzos, not usually being subject to atmospheric variables or in general to human tampering, need not be inspected as frequently and thus add to the strength of the eruv while at the same time reducing costs. Using natural mechitzos however, opens a Pandora's box of problems:

1) If a natural mechitzah is traversed by a volume of public traffic, that mechitzah is invalidated¹⁰. Over the dropoff in question cross Boulevard of the Allies and Schenley Drive. A tzuras hapesach will be necessary on each bridge which crosses the dropoff. If the volume of traffic is too heavy, even the tzuras hapesach will not suffice¹¹.

2) Large tracts of land, even if they are enclosed, invalidate a mechitzah if the enclosed area is not used for domestic purposes. In dealing with natural mechitzos large wooded areas are often included within the perimeter of the mechitzos. Such a situation is described in halacha as

קרוף יתדו של אדם וכן כו' פ"ק ס"א
מ"ב ע"ב . Since natural mechitzos precede human habitation, all

natural mechitzos share in this problem. However, when a natural mechitzah does not cover 100% of the perimeter of a neighborhood, the problem falls aside ¹². It has been argued that parks are considered ^{אור"ח ע"פ} (surrounded for the purpose of habitation) ¹³. This rests on the supposition that parks are also used for daily human needs. However, some of the area in question in Frick Park includes densely wooded and inaccessible areas. These conceivably could create a problem of ^{פ"ס"קו מ"א"ח ע"פ ע"פ}. However, there is an argument that plantations invalidate mechitzos in surrounding areas but not within a city ¹⁴.

3) Maximum allowable perimeter of natural mechitzos. There are some authorities who impose a maximum limit on the area enclosed by any mechitzah. The gemarrah in Eruvin daf ^{ע"ב} amud ^א observes that in fact the whole world is really surrounded by mechitzos of water ¹⁵. The Beyor Halacha cites this view and the views that the problem of a maximum limit is exasperated particularly when natural mechitzos are used. The resolution to the problem is not so simple. Many arguments concerning this issue are recorded in the controversy over the oft-proposed Manhattan eruv. Most important is the teshuvah by Gadol Doreynu in Igros Moshe ^{ג"ק} ¹¹⁰. In ¹ ^{ע"פ} ¹⁸⁰ he gives as a maximum length for man-made mechitzos the size of ¹⁶ ^{ס"ח}. This length would be more than necessary to accomodate the needs of the Squirrel Hill area. It must be ascertained though, whether this shiyur applies to natural mechitzos as well. It is also possible that if one or more sides of an eruv are man-made then the objection of the gemarrah that natural mechitzos surround the whole world may not apply. Other ideas expressed in the Manattan literature are the following: one definition has it that mechitzos of any length are permissable provided that residents adjoining a given mechitzah can see it even if those on a distant side do not ¹⁶. Another definition of acceptable size is that there is no maximum length for

a mechitzah provided that residents are merely aware of its existence ¹⁷.

The Chazon Ish discusses natural mechitzos and posits that they may not be bigger than the largest mechitza that is sometimes constructed by man. Any eruv constructed in Pittsburgh would certainly conform to that. The Chazon Ish however, is speaking lishitas Tosfos and not according to the Ramban which is the source of most of our discussion till now. What the Chazon Ish holds lehalacha is not clear ¹⁸. There are other sources as well but it should be apparent that their citation is essentially pointless. An eruv should be above controversy. For that reason, the only resolution to a problem of this sort is for all rabbinical authorities involved to agree on the best possible source to ask and abide by his decision.

As a last resort, the telephone lines at the bottom of the ravine may be investigated. An eruv might possibly be constructed there through the installation of very durable lechees at points along the telephone lines. Although this area seems generally impassable to automobile traffic, if vandalism is not a problem and the lechees are sufficiently durable, inspection might be necessary only at relatively infrequent intervals. The installation of lechees at the bottom of the ravine might also be attractive as a possible back-up to the natural mechitzos on top of the slope, for the purpose of chumrah. (A side note: the lechees of the Kew Garden Hills eruv have never been vandalized).

B. The Eastern Boundary

It is hoped that the 9 Mile Run running from the Monongahela River north to Forbes Avenue might provide a natural mechitzah. Again all advantages and disadvantages of natural mechitzos would be attendant. Using 9 Mile Run could take on of two possible forms. The aforementioned slope discussed on the western side may exist on the banks of the 9 Mile Run or underneath the water itself. If only the latter is true, the slope underwater must be used as a

mechitzah, several issues become controversial and require pesak ¹⁹.

Some of the problems are as follows:

- a) The diminution of the slope by sediment deposits. Halachic authorities differentiate between rivers and other bodies of water when the rivers are commercially travelled and are cleared of sediment deposits. This lenient factor would not apply to 9 Mile Run.
- b) Bodies of water that are subject to drying up are a source of controversy even when they are full of water.
- c) The freezing of the water may invalidate the mechitzah.
- d) Once again, any thoroughfares, including railroad bridges, which pass over the mechitzah might invalidate the mechitzah. A tzurash hapesach will almost certainly have to be erected over any such thoroughfare. It should be pointed out that some bridges, by their very construction, possess a tzuras hapesach. However, although a tzuras hapesach need not be designed originally for making carrying permissible ²⁰, a structure used specifically for a purpose other than serving as a tzuras hapesach (for example, a wall) may not be used. ²¹. The literature on the Manhattan eruv contains more information on this as well. See also the *ma'amar* *sh"l* of the Chochom Tzvi and *Sh"l* *sh"l* concerning the bodies of water surrounding England and the Hague.

C. The Southern Boundary

South of Interstate-376 exists a small salient wherein live many Jewish residents. The Monongahela River appeals as a southern boundary for the eruv but it must be kept in mind that using the river may mean the inclusion of the highway which might be a rshus harabim min hatorah which would deal a death blow to the eruv. Besides the two methods and attendant problems of using rivers for mechitzos included in our discussion of 9 Mile Run, it is possible that man-made fences of the requisite height of ten tephakim may exist either above water or even in the form of a sea wall below water.

Here again, several railroad and other bridges cross. The volume of traffic must again be checked. If the volume is too heavy even a tzurah hapesach will not suffice. (It seems that the volume of traffic in Pittsburgh is not heavy enough to pose such a problem). In the case of the Monongahela River, there is less of a problem of drying up or of sediment deposits since the river is well-travelled, and is presumably kept clear.

Using the Monongahela River also requires the connection of the south and west perimeters of the eruv and the connection of the 9 Mile Run with Forbes Avenue at the northern corner.

An alternative way to include the southern salient of the Squirrel Hill area would be to run a conventional tzurah hapesach of poles and wires just to include the streets desired. This leads us to the entire area of constructing a tzurah hapesach.

D. The Northern Boundary

Forbes Avenue was effectively ruled out. It appeared on the map as the simplest boundary but it excludes too much residential area. An extreme alternative is to run the tzurah hapesach along Fifth Avenue. The size of this boundary would make such an alternative feasible only if the other three sides require no inspection. Fifth Avenue is well-trafficked, hampering the speed of inspection.

A possible modus vivendi uses Wilkens Avenue from the corner of South Dallas Street west to Beeler Street west to Forbes Avenue and west to the Bureau of Mines. If the 9 Mile Run is used, the eastern boundary would be extended northward (at no extra cost) by incorporating the fences of Homewood Cemetery. Even this proposal would be prohibitively expensive if it were necessary to start from scratch. Fortunately, the area is provided with a large number of utility poles. In some areas, for blocks at a time, wires run on top of

these poles serving automatically as lengths of a tzuras hapesach. Other areas have wires displaced from the center of the pole. Such wires may not be used for a tzuras hapesach²². Although the lintel need not rest directly on top of a sidepost²³ it must be fixed so that the sidepost is perfectly plumb underneath, even if they do not meet. There are two possible ways to solve this problem. One is to run a wire on top of utility poles in places where existing wires run to the side. This involves considerable expense and the wires would be hard to install and repair. The reasonable proposal would be to use wires running from the side but to provide our own lehchees. A lehchee has no minimal thickness and need be only 38 inches (roughly) in height starting from the ground. Hammering an unobtrusive one-by-two to each pole where necessary is both simple and economical. This would be possible only in areas where the wires still hug the side of the pole so that they would be directly over any lehchee hammered directly below. If this method is used, it must be determined that the wires are taut and not move in a normal wind from their position directly above the lehchee. Again, a lehchee has no minimal thickness²⁴, therefore the lintel (in our case, the wire) need pass directly over only part of the sidepost. Using heavier wires and cables where possible will meet the requirement that the lintels not move in a normal wind²⁵. It is also necessary that where the lintel and the sidepost do not meet that nothing intervene in the airspace between them²⁶.

It is only left to be determined where the lehchees be placed. Some insight on this question is provided by studying the poskim on the issue of using telegraph lines for an eruv²⁷. Some poskim in Europe permitted the use of telegraph lines surrounding a city merely by placing lehchees at the four corners of the area to be surrounded and provided no lehchees whatsoever inbetween. They apparently disregarded whether or not the telegraph lines travelled in a perfectly straight orientation, disregarding veering to the

right or the left or up or down ²⁹.

The question really is how straight the lintel need be. If it must be perfectly straight to serve as a symbolic doorway then any change in orientation at all between poles would need a lehchee. For example, if one pole were fixed 12 inches from the curb, the next pole 18 inches from the curb and the pole after that 12 inches from the curb, there is a 6 inch deviation between the first and third poles. If the lintel need be perfectly straight, then a lehchee would be necessary at each pole. The Chazon Ish maintains that a lehchee need be perfectly straight. It has been suggested that Rav Moshe Feinstein shlita will allow for any veering between poles providing that it is no larger than 3 tephakim (approximately 10 5/8 inches). A similar but less serious problem exists when the change in orientation is in the vertical. For example, if one pole is 20 feet high, the next pole 30 feet high and the pole after than 15 feet high, the roller coaster effect may demand a lehchee at each change of height.

This report is not intended as a summary, even in brief form, of hilchos eruvin. There are many other constraints applying to the construction of a tzuras hapesach that much be dealt with while the construction if actually going on. It is imperative that someone supervise the construction on an on-going basis.

E. Eruvei Chatzaros

A proper eruv pas must be arranged for the area to be included in an eruv and a way found through sechirus (rental) to reduce the restrictions placed on such an eruv by non-Jews and irreligious Jews living within the confines of the eruv ³⁰. Such sechirus will probably take the form of a deed tended to the Rabbis by some representative of the municipality. In arranging for such a deed, care should probably be taken to insure that the deeded area includes private areas as well as the public thoroughfare ³¹.

VI. Afterword

The preceding discussion is just the tip of an halachic iceberg. Hilchos eruvin are exceedingly complex, requiring not only vast knowledge but practical experience. Nothing in this report should be construed as an halachic opinion. When reviewing the issue of the Pittsburgh eruv, it must be kept in mind that besides the abstract scholarly reasons for the difference between poskim, there are some very practical reasons as well. Not every leniency in halacha which exists should be used. The arguments of Rav Moshe Bick are in place, despite the fact that he is a formidable opponent of any eruvim. All precedents for questions of eruvin were established in Europe. Although there are many reasons why an eruv in an American community is both desirable and a boon to the observance of Shabbos, any arguments pale in comparison to the necessity for an eruv which existed in Europe a generation or two ago. In many areas, without an eruv, people were denied access to hot food and to running water. It must be kept in mind that the idea of an eruv which is kosher lichoil hadayos is a myth. For instance, there is no way to meet the strictures against eruv applied by the Rambam³² that require actual walls for the majority of the length of any side if there are gaps larger than 10 amos. Any tzuras hapesach is also in violation of an opinion that two consecutive tzuros hapesach may not adjoin³³. Therefore, a heter snatched from 18th century Europe may lose all meaning if transplanted to American soil. For this assessment and decision even more than the aforementioned desiderata are needed. Only the opinion of a world-recognized posek can suffice.

An eruv also presupposes a commitment by a community to the maintenance of a continuous presence of Torah scholars capable of pursuing Halachic analysis on an advanced level. Questions regarding repairs to the eruv are almost guaranteed to arise regularly. While a posek may be imported to supervise the original construction of an eruv, no such posek will be available late

on a Friday afternoon. Neither can long-distance phone calls substitute for available local expertise. An eruv will require the presence of a posek in Pittsburgh capable of confronting regular problems.

