THE HISTORY OF CITY ERUVIN

THE PARIS ERUVIN

The Halachic *and* Historical Underpinnings
from Earliest Times Until the Present

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PREFACE

The particulars of the Paris Eruv are one of the most significant accounts to be recorded regarding the history of large city *eruvin*, notably because of the stature of the *Achiezer* who sanctioned it.

As precedent is imperative to the halachic process, it is of utmost importance to explore the history and backstory of all case studies, in order to derive parallels. Therefore, I set out to unravel the histories and controversies that followed many large city *eruvin* and to set the record straight.

Initially, my writing about the history of city *eruvin*, was going to include the following cities: Krakow (1887), St. Louis (1893), Odessa (1900), New York (1905 and 1949), Manchester (1906), Frankfurt am Main (1914), and Lodz (1920's), since when *eruvin* were established in these cities, major disagreements ensued.[1] In order to suggest a possible motive, it is important to identify why these disagreements occurred at all.

There was a common factor shared by those cities where the controversies resulted; namely, they did not have a central governing rav or *Bais Din*. The matter came to a head in cities that were never encompassed and in cities such as Krakow and Frankfurt am Main when they dismantled their ramparts in the 1800's. These *eruvin* could not be established exclusively through the use of existing structures as there was a need to erect *tzuras hapesachim*. Permission was then required from the civil authorities, which was not always forthcoming. In order to mitigate the necessary authorization, the rabbanim who assumed responsibility needed to be creative in establishing these *eruvin*. When an *eruv* was finally erected, it clearly was the domain of the rav who initiated it.

Following this, it is possible to appreciate why city *eruvin* were often the cause of much rancor. *Eruvin* are unlike other halachic issues in one significant aspect. *Eruvin*, more than any other issue, vest a certain amount of centralized

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[1] I intend to document some additional large cities such as Warsaw. Even though the establishment of this *eruv* did not provoke any disagreement, its narrative is essential to assimilate the halachos that pertain to large city *eruvin* (a case in point would be the extremely important letter of Rav Shlomo Dovid Kahane of Warsaw, which is cited in this monograph).

power to the *baal ha'machsher*. People publicly carrying in a rav's *eruv* are a conspicuous sign of the *posek's* influence and support in the community, unlike relying on the rav's *hechsher* on food, which is a more private matter. Consequently, followers of some rabbanim found it incumbent upon themselves to not allow an *eruv* to be established, as it would cede control to the opposing rav.[II]

If one were to follow the history of *eruvin* in these cities with no central governing rav or *Bais Din,* where the situation required an innovative approach to establish an *eruv*, they would find that *machlokas* often erupted as a result of a perceived desire for dominance in community affairs. Otherwise, *eruvin* would generate the same level of reaction as a *mikveh* might, where every individual just follows the *p'sak* of his own rav.[III]

While the Paris Eruv is perhaps the most important case study of large city *eruvin*, its narrative differs from these cities in a number of ways.

To begin with, there was no known controversy regarding the Paris Eruv. While cities were dismantling their fortifications, the reverse was true regarding Paris. As we shall see, Paris was an anomaly, and the authorities actually constructed an enceinte/rampart as late as 1845. The initial Paris Eruv was based on this enceinte. As we can discern from the following monograph, the enceinte was sufficient, and a creative method was not needed to erect an *eruv*; hence, there was no room for disagreement.

Additionally, the Paris Eruv was sanctioned by Rav Moshe Weisskopf, who immigrated to Paris in 1858, and over the years he was regarded as the elder statesman. Rav Weisskopf was the de facto central governing Orthodox rav, and if he supported the *eruv*, there would be no disagreement. Only after his passing, when the enceintes were dismantled, did his successor, Rav Eliyahu Munk, raise the matter of reestablishing an *eruv* for Paris. At this point, Rav Munk turned to Rav Herzog and the *Achiezer* for guidance.

There is an additional distinction between the above-mentioned cities and Paris. The backstory regarding the Paris Eruv was difficult to discern, as the

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II For example, Rav Yisroel [Immanuel] Jakobovits stated that while Rav Aharon Kotler was opposed to the Manhattan Eruv, Rav Aharon was emphatic that he was not involved in the campaign opposing the *eruv* (*Harav Halord*, 1996, p. 162).

III In this vein, Rav Chaim Michoel Dov Weissmandel (1903-1957) once quipped why an *eruv* for Brooklyn had not yet been established: "To enact an *eruv* there is only one *beracha*, and they have not yet determined who is going to recite this *beracha*."

written narrative that was known consisted only of a *teshuvah* from the *Achiezer*. This issue has now been remedied. I was elated to discover in the journal *Yerushasenu* (vol. 11), letters penned by two rabbanim of Paris that illuminated the history of *eruvin* in Paris. Following the publication of these letters, I was determined to issue an exposition on the halachic and historical underpinnings of this important case study and not wait until I concluded the histories of the above-mentioned cities.

This thesis is divided into three sections:

The first section elaborates on Paris's storied Jewish history. While we do not have any record that the enceintes that encompassed Paris from earlier times were being utilized to allow carrying on Shabbos, it definitely was a possibility. Historically, the ramparts which encompassed many cities were relied upon at times by the Jewish inhabitants to allow carrying on Shabbos. Hence, I spend a considerable amount of time identifying the areas were the Jews resided in Paris and exploring the enceintes which encompassed the city. Note on style: In this section the general conditions of the city [e.g., enceintes, quays, bridges, and railroads] during the time periods are highlighted on a gray background.

The second section discusses the first documented *eruv* in Paris and the proposed second *eruv*. This segment was aided by the newly discovered letters mentioned above, which allowed for the detailed maps and evidence submitted in this chapter.

The third section, a halachic analysis of the previous section, is informed by these letters.

I endeavor to be as lucid as possible; however, the halachos of *eruvin*, and city *eruvin* in particular, are very complex. Many *sugyos* in *eruvin* are extremely intricate, involving many commentators, and run the gamut from *reshuyos* to *sechiras reshus* and from issues in *Orach Chaim* to *Choshen Mishpat*. Furthermore, most *teshuvah sefarim* include responsa regarding *eruvin*. Therefore, for the sake of brevity, there are some issues which I shall reference but will not elaborate on in this paper.[IV]

[IV] I hope *iy"H* to elaborate on most of the issues when I publish my Hebrew *sefer* on *hilchos eruvin*, in the near future.

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I would like to thank my dear friends without whom this book would not have come to fruition: Eli Kaufman, who designed the cover and suggested layout ideas. I believe that the finished product demonstrates why he is simply the best graphic designer in the industry; Yosef Faith, for his precise editing and insightful suggestions; and Yosef Greenwald and Eli Uminer, for their encouragement and sage advice.

I owe much gratitude to the indefatigable Menachem Tuvia Greisman, whose generosity is legendary. He has taken the mitzvah of *eruvin* to a new level, supporting the establishment of city *eruvin* far and wide. His faith in this project and his generous support were the driving forces behind the publication of this book.

I am grateful to my children, with whom I discussed many of the issues mentioned herein. Their insightful suggestions helped make this book more succinct and the layout so elegant. I am also indebted to my wife who edited my manuscript and whose counsel I value.

This book is dedicated to my rav and rebbe, Harav Hagaon Rav Ephraim Fishel Hershkowitz *zt"l*, who encouraged me to study and disseminate *hilchos eruvin*. His encyclopedic knowledge was widely acclaimed. Even on a subject such as *eruvin* which is a specialized field of halachah, his proficiency was unparalleled.

Last but not least, I am forever grateful to HaKadosh Baruch Hu for guiding me and enabling me every step of the way.

SECTION ONE:

Introduction
The Jewish Community of Paris France

SECTION ONE

INTRODUCTION: THE JEWISH COMMUNITY OF PARIS

FROM INCEPTION THROUGH EXPULSION

A Jewish presence existed in France during the Roman period, but the population mainly consisted of isolated individuals rather than an established community. After the Roman conquest of Yerushalayim, boats filled with Jewish captives landed in Bordeaux, Arles, and Lyons. Archeological finds of Jewish objects with menorahs imprinted on them date back to the first through the fifth century.[1]

The Frankish ruler Clovis (reign, 481-511) conquered Soissons (today northern France) in 486, thereby opening up western and central Gaul and

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[1] Unless otherwise indicated, the ensuing history of French Jewry and the Jewish quarters of Paris is based on the following sources: The first scholarly history of Paris, *Histoire et recherches des antiquités de la ville de Paris,* by Henri Sauval (1623–1676) contains an important chapter devoted to Jewish history, vol. 2, book 10, pp. 509–532; Robert Anchel, The Early History of the Jewish Quarters in Paris, *Jewish Social Studies*, vol. 2:1 (Jan., 1940), pp. 45-60; "Paris," *The Jewish Encyclopedia*, vol. 9, 1916, pp. 526-539; "Paris," *The Universal Jewish Encyclopedia*, vol. 8, 1942, pp. 398-402, and "Paris," *Encyclopedia Judaica*, vol. 15, 2007, pp. 642-647. While an exhaustive study of the Jewish settlement in Paris with precise dates is still lacking, I will try to list much of what is known that is relevant to our narrative. However, since there are inconsistences in the sources, it is unlikely that all the dates are exact. While the sources are too numerous to list, the history of the enceintes [ramparts/fortifications], quays [river banks], railroads, and bridges is based on the following sources: Jean-Denis G.G. Lepage, *The Fortifications of Paris*, 2006; *The History of Paris, From the Earliest Period to the Present Day*, vol. 3, pp. 167-182, 1825; Marc Gaillard, *The Quays and Bridges of Paris*, 1994; Bruno Carrière, *La saga de la Petite Ceinture*, 2017, and Blake Ehrlich, "Paris," *Encyclopedia Britannica*, 2, 2021.

allowing him to move the Frankish capital to the then small town of Paris in 487 (or some say in 508).[2]

In 582, the date of the first documented evidence of the presence of Jews in Paris,[3] there was already a community owning at least one shul on the Left Bank, in the neighborhood of the present Church of St. Julien le Pauvre [Map A.1].

Consequently, the Jewish community of Paris was located near the Petit Pont, which crosses the two banks of the narrow arm of the Seine, not far from Saint Julien. We know from Gregory of Tours[4] that, during the reign of the Frankish king Childebert (511-558), the houses of the merchants were located south of the Petit Pont. The Jews had settled in that section of the Left Bank, attracted by the commerce of Paris. However, they also settled at the far end of the Petit Pont, in the Ile de la Cité [Map A.2] itself, and the street in which they lived took its name from them, the rue de la Juiverie [Map A.3].[5]

It is unknown if the fortifications of the Ile de la Cité, erected in Gallo-Roman eras, were still standing at this time.

In the 10th and 11th centuries, the Jews lived on the Left Bank, on the present rue de la Harpe [Map A.4][6] and its southern segment, the rue de la Vieille Juiverie [Map A.5].[7] A shul stood at the intersection of these two streets. In the 12th century, the Capetian kings Louis VI (1108-37) and Louis VII (1137-80) were favorably disposed toward the Jews. At the time, on the Ile de la Cité, there was a Jewish quarter, the vicus Judaeorum [Map A.6].[8] The Petit Pont

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2 The modern city of Paris was first mentioned in the mid-1st century by Julius Caesar as Luteciam Parisiorum [Lutetia of the Parisii]. The beginning of the 12th century was when Paris actually became the capital of France.

3 It seems that there were Jews in Paris prior to the date of the Frankish invasion. The councils of Varennes in 465 and of Orleans in 533, 538, and 541 adopted certain measures against the Jews, from which it would appear that there must have been Jews in Paris and in the north of France at that time.

4 History of the Franks, VIII:33; see Hercule Geraud, *Paris sous Philippe-le-Bel*, p. 370.

5 Rue de la Juiverie, on the Ile de la Cité, was incorporated into the rue de la Cité in 1834.

6 Between rue de la Huchette and rue Saint Sévérin.

7 Which became Boulevard Saint-Michel and ran between rue Saint Sévérin and rue Monsieur le Prince.

8 Its boundaries were roughly the present rue de la Cité, the Boulevard du Palais, the Quai de la Corse, and the rue de Lutèce [Map A.6].

[Map A.7], like other Paris bridges in those days, was covered with houses and was also home to a Jewish community. There was a Jewish quarter, Juiverie, on the Right Bank in the area of Les Champeaux [Map A.8],[9] consisting of a number of narrow streets secured by gates on either end.[10] Jews on the Right Bank also lived on rue Saint-Bon [Map A.9] and its southern section, rue de la Tacherie [Map A.10].[11] There was another rue des Juifs on the Right Bank [Map A.11],[12] and Jews lived on the bordering rue des Rosiers [Map A.12] as well. Jews also lived on rue de la Tixéranderie [Map A.13] and the impasse Saint-Faron [Map A.14] in the Saint-Merri and Saint-Gervais district,[13] which was called, at one time, cul-de-sac des Juifs.[14] At that time there were two shuls, one in Ile de la Cité on the rue de la Juiverie [Map A.15],[15] and the other on the Right Bank on the rue de la Tacherie [Map A.10].

As was common in France, many Jews lived close to the city walls.[16] This follows the argument that at the time there was a medieval enceinte [rampart /fortification], which included a large portion of the populated area of the Right Bank [Map A.16: green line],[17] as most of the above-mentioned streets where Jews

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9 Later called Les Halles. At the time, the market in the northwest of Paris was called the Little Fields [Champeaux]. In 1183, Philip Augustus took full control of the market and built two markets, called *Halles*. He also built walls and gates around the market, which was part of his enceinte.

10 These gates were called the gates of the Juiverie and were demolished much later in the days of Francis I.

11 Rue de la Tacherie is in the 4th arrondissement. Originally it was called rue de la Juiverie and rue de la Juiverie-Saint-Bon. After the expulsion of the Jews in 1307, it was named rue de la Veille-Juiverie because it had previously been inhabited by Jews. At the end of the 13th century, it was called rue de la Tacherie.

12 Which currently is named the rue Ferdinand Duval.

13 This area, in the beginning of the 20th century, became known as the *Pletzl* [little place in Yiddish], because of its large Jewish population.

14 Originally, it was called rue de l'Esguillerie. Rue de la Tixéranderie and impasse Saint-Faron were razed when the small alleys which surround the Place de l'Hotel-de-Ville were torn down in 1850-1853. Today, it would be in the vicinity of the rue Lobau and rue de Rivoli.

15 On the site of the present Marché aux Fleurs/place Louis-Lepine [Map A.15].

16 While Paris never had a ghetto, as was common in French cities [and some additional countries], Jews were nevertheless restricted to certain areas near the defensive walls; see Anchel, p. 51.

17 Actually, today they have archeological evidence for a medieval enceinte; see https://www.inrap.fr/paris-retrouve-sa-premiere-enceinte-medievale-5044.

resided adjoined its assumed path. However, there probably was no fortification on the riverbank.

King Philippe II Augustus (1180-1223), who succeeded Louis VII, was hostile towards the Jews, and in the spring of 1181, he banished them all and confiscated their lands and dwellings. The shuls were turned into churches.

However, in 1198, King Philippe II, being hard pressed for money, permitted the Jews to return to France. They flocked back to Paris, where they repaired their shul on the rue de la Tacherie on the Right Bank [Map A.10], established another shul in an old tower on the ramparts, Tour du Pot-au-Diable [Map A.17],[18] and founded a third on the rue du Franc Mourier [Map A.18].[19] At the time, they also resided on the following streets on the Right Bank: rue du Renard [Map A.19], rue St-Merri [Map A.20], rue des Lombards [Map A.21], rue Quincampoix [Map A.22], and the rue des Jardins [Map A.23].[20] On the Left Bank, they resided in the vicinity of Mont Ste.-Geneviève, on the rue de Judas [Map A.24].[21]

King Philippe II Augustus was the first to erect an enceinte that included both the Right and Left Banks of Paris [Map A.25: blue line]. The construction on the Right Bank lasted from 1190 to 1209 and on the Left Bank from 1200-15. Its height was between 26-32 feet. However, there was no fortification erected on either riverbank. During the construction of the enclosure, 11 main gates were erected. Over the years, four other main gates, as well as many posterns, were added to cope with the growth of the city. The gates were closed by heavy wooden doors or portcullis. If the Seine needed to be defended, long iron chains could have been stretched across the river to hinder invaders' navigation. All the areas populated by Jews at the time were included in this enceinte.

Louis IX (1226-70) was not friendly toward the Jews. He spared no efforts to convert them to Christianity. Pope Gregory IX, acting under the influence of the *meshumad* Nicholas Donin, ordered an examination of the Talmud, and a disputation took place on June 25, 1240, at the king's court in Paris between Nicholas Donin and four noted rabbanim of the day, Rabbeinu Yechiel of Paris,

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18 Today, the rue de Lobau. It is possible that these ramparts were part of the medieval wall mentioned above, note 17.

19 Today, the rue de Moussy, which was closed by a gate on each end at the beginning of the 19th century.

20 Today, part of rue des Archives.

21 Today, passage du Clos-Bruneau.

Rabbeinu Shmuel ben Shlomo of Falaise, Rabbeinu Moshe MiCoucy, and Rabbeinu Yehudah ben Dovid of Melun. As a result, all the copies of the Talmud and other Jewish *seforim* that had been seized on March 3 were consigned to the flames.

Under Philippe IV (1285-1314), the condition of the Jews became almost intolerable. Notwithstanding their sufferings, many Jews still remained in Paris. However, on July 22, 1306, Philip pronounced his decree of exile against the Jews of France. The king appropriated all their property for the royal treasury.

The exile, however, was not of long duration and the Jews were recalled in 1315 by Louis X (1314-16). This monarch took them under his protection and directed that they should be defended from attacks, injuries, violence, and all oppression. Their shuls and cemeteries were restored to them.

But they did not enjoy royal protection for long. In 1322, Philip V (1316-22) exiled many of the Parisian Jews. However, in 1360, Manessier de Vesoul entered into negotiations for the return of the exiles to France.

Under Charles V (1364-80), the enceinte of Philippe II Augustus was expanded and improved on the Right Bank [Map A.26: red line]. Some fortification was erected facing the Seine on the Right Bank (running towards the inner Philippe Augustus Enceinte [Map A.27]); however, most of the waterfront had no defenses. Some improvements were also made to Philippe Augustus Enceinte on the Left Bank. Work on the expansion began in 1356 and was completed in 1383.

The construction of the quays [riverbanks] began in 1312 when King Philip IV commissioned development of the Quai des Grands Augustins on the Left Bank. This was soon followed on the Right Bank with the construction of the Quai de la Mégisserie and Quai des Célestins.

Following the incessant clamor against the Jews, Charles VI expelled them from France in 1394. They left Paris on November 3, and what property they could not take with them was confiscated.

Until that period, Paris boasted some of the great Baalei HaTosfos including Rabbeinu Baruch ben Yitzchak (*Sefer HaTrumah*), Rabbeinu Matisyahu ben Moshe Treves Ashkenazi and Rabbeinu Yehudah Sirli'on of Paris, who headed the yeshiva of Paris in the early years of the 13th century. Rabbeinu Yehudah Sirli'on's *talmidim* included: Rabbeinu Yechiel of Paris, Rabbeinu Moshe MiCoucy (*SeMaG*), Rabbeinu Shmuel ben Shlomo of Falaise, and Rabbeinu Yitzchak ben Moshe of Vienna (*Ohr Zarua*). Rabbeinu Yechiel, succeeded

Rabbeinu Yehudah Sirli'on to head the yeshiva. Rabbeinu Yechiel's *talmidim* included Rabbeinu Yitzchak ben Yosef MiCorbeil (*SeMaK*), Rabbeinu Meir of Rothenburg, and Rabbeinu Peretz ben Eliyahu MiCorbeil. In 1360, Rabbeinu Matisyahu ben Yoseph Treves held the office of Chief Rabbi of Paris and of all France (1360-85) and opened a yeshiva; Rabbeinu Matisyahu's son, Rabbeinu Yochanan Treves, was his successor.

FROM EXPULSION UNTIL EMANCIPATION

After the expulsion of 1394, there were occasionally some Jewish residents in Paris, but they had no legal status. Under Louis XI (1461-83), some Jews were able to obtain permission to reside there on condition that they acquire a license from the police, which needed to be renewed every two or three months. However, during the 15th and 16th centuries, it was illegal for Jews to live in Paris. There were a handful of Jews in the city who lived there secretively, but there was no organized Jewish community and no obvious houses of worship.

King François I (1515-47) in 1530 and King Henri IV (1589-1610) at the beginning of the 17th century had the random quays linked to each other with the construction of additional quays. On the Île de la Cité, the first developed quays appeared later (between 1580 and 1600) as its ports were of lesser importance.

In 1633, Louis XIII (1610-43) completed his expansion of Charles V's Enceinte on the Right Bank; it was called the Fossés Jaunes [Map A.28: yellow line]. In 1640, the western segment of Charles V's Enceinte was removed as it became redundant with the Fossés Jaunes. For political and security reasons, Louis XIV (1643-1715) ordered the demolition of all Parisian fortifications; he began their removal in 1670 (which continued until 1715). After their destruction, Paris became an open city for a brief time.

From the beginning of the 18th century, the Jews of Metz applied to the authorities for permission to enter Paris on their business pursuits; gradually, the periods of their stay in the capital increased and were prolonged. At the same time, the city saw the arrival of Jews from Bordeaux (the "Portuguese") and from Avignon.

From 1721 to 1772, a police inspector was given special charge over the Jews, an office which the successive holders used to extort what they could from them in money and goods. The German Jews lived in the poor quarters of rue Saint-Martin [Map A.29] and rue Saint-Denis [Map A.30] on the Right Bank, and those from Bordeaux, Bayonne, and Avignon inhabited the more luxurious

quarters on the Left Bank in the vicinity of the current Boulevard Saint Germain [Map A.31] and rue Saint-André-des-Arts [Map A.32]. The number of Jews in Paris prior to the Revolution was probably no greater than 500.

From 1784 through 1787, in order to enforce collection of the octroi taxes, the enceinte of the Fermiers Généraux was built [Map B.1: green line]. This wall, while not for defensive purposes, enclosed both banks of Paris. Its height was approximately 10 feet. However, there was no wall built on either river bank. There were 54 pavillons d'octroi [tollhouses] in the enceinte, and 10 more were added between the years 1790-1854 (but eight of them were shuttered). All the areas where Jews resided at the time were included in this enceinte.

EMANCIPATION AND BEYOND

On Aug. 26, 1789, the Jews of Paris addressed a petition to the States General, "For the conferring upon them of those civic rights and privileges to which they had a claim in common with all other citizens and members of the commonwealth of France." On Dec. 24, 1789, the Assembly postponed the decision regarding the Jews. On May 9, 1791, the Jews of Paris addressed another petition to the Assembly requesting a definite answer in their favor. After some further delay, a decree was passed by the session of Sept. 27, 1791, granting naturalization and the rights of citizenship to all Jews born and domiciled in France. This was to be their final and definite emancipation. At the close of the Revolution, there were about 3,000 Jews in Paris. Nearly all of them lived on the Right Bank in the 3rd [Map B.2] and 4th [Map B.3] arrondissements.

On Dec. 11, 1808, a decree was passed regulating the organization of consistorial synagogues; thirteen were established throughout the empire. The Consistory of Paris was appointed on April 13, 1809, and was installed on May 2. The Consistory was presided over by the Chief Rabbi of Paris, Rav Michel Seligman (1739-1829).

There were, at that time, a number of *batei knesios* and shuls on the Right Bank of the city. The first publicly acknowledged one on the rue Brisemiche [Map B.4] was founded in 1788; another, about 1789, on the rue du Renard [Map B.5]; some years later, a third shul was established by the old Carmelite convent on the rue du Temple and rue de Montmorency [Map B.6] and was called the "Carmelite Shul." Around that time, another shul was opened on the rue St.-Martin [Map B.7]; it was known as the "Hutmacher Shul," from a manufacturer

of hats which occupied a portion of the same building. Still another was on rue des Blancs-Manteaux [Map B.8]. The Portuguese had their shul on the Left Bank near the cemetery of St.-André-des-Arts [Map B.9].[22] In 1851, they established a shul on the Right Bank on the rue Lamartine [Map B.10]. At that date, the community possessed four other shuls on the Right Bank: at rue Sainte-Avoie [Map B.11][23] (which later moved to rue Neuve St.-Laurent [Map B.12][24]), at rue du Chaume [Map B.13],[25] at rue des Vieilles-Étuves [Map B.14],[26] and at rue Geoffroy-l'Angevin [Map B.15]. The Great Synagogue, generally known as Synagogue de la Victoire or Grande Synagogue de la Victoire [Map B.16], was inaugurated in 1874,[27] after which, many *batei knesios* and shuls were established in Paris. By the 1850's, Paris's Jewish population had increased to at least 20,000.

The idea for new fortifications of Paris, which had been a defenseless city since the reign of Louis XIV, was revived by the Monarchy of July after 1830. It finally came to fruition in 1841; it was completed in 1845 and was referred to as the Thiers Enceinte [Map C.1]. This extensive enceinte encompassed both banks of Paris. The enceinte scarps were approximately 32 feet high. However, there was no fortification erected on either riverbank. There were 17 main gates, 23 secondary gates, and 12 posterns in the enceinte. The main gates were furnished with barriers, and some had swing-back drawbridges. In 1860, when the city limits of Paris were extended to the Thiers Enceinte, the Fermiers Généraux was razed, the collection of the octroi taxes were transferred to the Thiers Enceinte, and new collection structures were built.

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22 Today, rue Sugar.

23 Today, part of rue du Temple.

24 Today, rue du Vertbois.

25 Today, part of rue des Archives.

26 Today, part of rue Sauval.

27 Initially, the Great Synagogue de la Victoire was to open on the current rue de Châteaudun, which was much wider than the rue de la Victoire, but the wife of Napoleon III, the Empress Eugenie, did not share her husband's affection for the Jews. She refused to allow the entrance to a synagogue to be between the two churches in the neighborhood. The main entrance to the synagogue is on rue de la Victoire, a name given in memory of Bonaparte's victorious campaign in Italy; therefore, the synagogue is oriented to the north and not, as called for in halachah, towards Yerushalaim.

Paris's Chemin de fer de Petite Ceinture (small belt railway) was a circular railway that was built as a means to supply the city's Thiers Enceinte and it ran inside and along the enceinte. It was also established as a means of transporting merchandise and passengers between Paris's major rail-company stations.

The Petite Ceinture encircled Paris in (approximately) a twenty-two mile loop. This line was composed of the following sections:
The La Râpée - Batignolles/Petite Ceinture Rive Droite Line (Little Belt Right Bank) [Map C.2], was located on the Right Bank of the Seine. Opened in 1854 for transporting goods, it offered a passenger service after 1862. This section was around ten miles long and connected Batignolles (17th arrondissement) with Ivry (13th arrondissement) and spanned the Seine using the Pont National (National Bridge) [Map C.3] to the east of the 12th and 13th arrondissements. The Petite Ceinture Rive Droite was first built as level crossings, embankments, and some tunnels. In order to facilitate traffic at crossroads, level crossings were removed for the Universal Exhibition of 1889, and overpass bridges were built above the roadways.

The six-mile section from Les Batignolles to the Porte d'Auteuil [Map C.4] on the Right Bank, known as the Auteuil Line, was opened in 1854 and was only a passenger service. Leaving the gare Saint-Lazare (Saint-Lazare station) [Map C.5] rails to the north of the station, the Paris-Auteuil line arced west, passed through the town of Batignolles (17th arrondissement), then arced south with several stops before its terminus in the town of Auteuil (16th arrondissement). The Auteuil Line was built below ground level for most of its length, which required the construction of many bridges across its entrenched path.

A connecting railroad, the Courcelles connection [Map C.6], was opened in 1869 to complete the loop between the Petite Ceinture Rive Droite and the Auteuil Line and was utilized to transport people and goods.

The Auteuil-Boulogne - La Râpée /Petite Ceinture Rive Gauche Line (Little Belt Left Bank) [Map C.7] was located on the Left Bank. It was opened in 1867 for transporting both goods and passengers. This section was around six miles long and connected Ivry (13th arrondissement) with the Porte d'Auteuil (16th arrondissement) and spanned the Seine running on the viaduct d'Auteuil [Map C.8].[28] *In order that the Rive Gauche should not block traffic, it was mostly built in trenches and tunnels.*

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[28] Which was replaced in 1963 with the pont du Garigliano.

Pont ferroviaire d'Asnières (Asnières Railway Bridge) [Map C.9] spanned the Seine between the northern commune of Asnières-sur-Seine on the Left Bank and to the southern communes of Clichy and Levallois-Perret on the Right Bank. It was originally built in 1837 for the Paris-Saint-Lazare to Saint-Germain-en-Laye line. The bridge supported rail lines, operated by the Compagnie des chemins de fer de l'Ouest (Western Railway Company), originating from up north and which ran into Paris on the major trunk line [Map C.10] that terminated at the Saint-Lazare station [Map C.5]. The bridge was replaced in 1851 by the Ernest Goüin et Cie (Gouin Metal and Locomotive Company).

After the founding of the Petite Ceinture Rive Droite Line, the Gouin factory built a direct extension off the Western Railway Company trunk line, the embranchement de l'usine Gouin (branch of the Gouin factory) [Map C.11], which arced east into the Paris commune of Batignolles where their manufacturing facility was situated.[29] This extension, after passing through the manufacturing facility, linked to the Petite Ceinture Rive Droite station, de l'Avenue de Clichy (Avenue de Clichy station) [Map C.12].[30] Pont ferroviaire d'Asnières was rebuilt and extended around 1890 and expanded again after 1926.

The Épinettes connection [Map C.13], also referred to as the Saint-Ouen railway or the Docks line, is a short railway line (1.2 miles). It was created in 1862 and connected Saint-Ouen to the Petite Ceinture line at the gare de l'avenue de Saint-Ouen (Avenue de Saint-Ouen station) [Map C.14]. The line then branched out in 1874 with the establishment of the chemin de fer de jonction entre les Docks de Saint-Ouen et la gare de marchandises de la plaine Saint-Denis (junction railway between the Docks of Saint-Ouen and the goods station of the Saint-Denis plain) [Map C.15]. This line was extended in 1908 with the construction of the Pont ferroviaire de Saint-Ouen (Saint-Ouen Railway Bridge) [Map C.16] to become the Ligne de La Plaine à Ermont - Eaubonne (line from La Plaine to Ermont - Eaubonne).[31] This line linked to the gare du Nord/gare de Paris-Nord (Paris-North station) [Map C.17], which, by 1893, connected through the gare de

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29 The first map illustrating this extension was from 1856, *Plan panorama de Paris fortifié avec illustration: plan garanti complet, ou, Le guide dans Paris/dressé par Lallemand.*

30 There does not seem to be an alternative railway that ran from the Asnières Railway Bridge to the Petite Ceinture Rive Droite beside for the Gouin factory extension. All other lines running on the Asnières Railway Bridge continued south on the Western Railway Company's trunk line towards the Saint-Lazare station.

31 Formerly known under the name of ligne des Grésillons.

La Chapelle-Saint-Denis (La Chapelle Saint-Denis station) [Map C.18] to the Petite Ceinture Rive Droite [Map C.2].

The Pont ferroviaire de Saint-Ouen (Saint-Ouen Railway Bridge)/pont de chemin de fer de Gennevilliers (Gennevilliers railway bridge) [Map C.16] was erected in 1905 and spanned the Seine between the northern commune of Asnières-sur-Seine on the Left Bank of the river and the southern commune of Saint-Ouen-sur-Seine on the Right Bank.

By the 1930's —starting with the Pont National [Map C.3] at the southeastern side of the Seine, and concluding on the northern side with the Asnières Railway Bridge [Map C.9] — there were 39 bridges crossing the Seine in Paris and its communes.[32] *From 1919-29, the Thiers Enceinte was dismantled. Paris was once again an open city. With the Thiers Enceinte gone, octroi taxes were collected at the entry points to Paris until 1943. By 1934, with buses becoming more accessible and the Paris metro a more convenient option, the passenger service of the Petite Ceinture had been discontinued but it remained open for inter-network and local freight trains. By the 1980's, the Petite Ceinture was mostly abandoned; however, much of its structure remains today. The La Plaine to Ermont - Eaubonne passenger service line, was suspended in 1988 but remains in use for freight trains.*

In the 19th century, the quays were restructured to feature two levels: the quais hauts [high quays] and berges [low quays]. Between the two levels, the retaining walls, usually made of massive stone blocks, were decorated with the great iron rings that were used to moor merchant vessels. Little by little, the original

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[32] 1) Pont National 2) Pont de Tolbiac 3) Pont de Bercy 4) Viaduc d'Austerlitz 5) Pont d'Austerlitz 6) Pont de Sully 7) Pont de la Tournelle 8) Pont Marie 9) Pont Louis-Philippe 10) Pont au Double 11) Pont d'Arcole 12) Pont Notre-Dame 13) Pont au Change 14) Pont Neuf 15) Passerelle des Arts 16) Pont du Carrousel 17) Pont Royal 18) Passerelle Léopold-Sédar-Senghor 19) Pont de la Concorde 20) Pont Alexandre III 21) Pont des Invalides 22) Pont de l'Alma 23) Passerelle Debilly 24) Pont d'Iéna 25) Pont de Bir-Hakeim 26) Pont Rouelle 27) Pont de Grenelle 28) Pont Mirabeau 29) Pont du Garigliano 30) Pont de Billancourt 31) Pont Daydé 32) Pont de Sèvres 33) Pont de Saint-Cloud 34) Passerelle de l'aqueduc de l'Avre 35) Pont de Suresnes 36) Pont de Puteaux 37) Pont de Courbevoie 38) Pont de Levallois 39) Pont ferroviaire d'Asnières.

If Rav Munk was using the Saint-Ouen Railway Bridge [Map C.16] as the end point of the Seine's *mechitzos* on the northern side of Paris (see note 90), then we can add these bridges as well: Pont d'Asnières, Pont de Clichy, and Pont de Gennevilliers.

appearance of the river was transformed by human development. Banks were built up on either side of the river which narrowed it, but it still kept its significant role as the center of urban activity.

The Beis Hamedrash Adas Yereim was the oldest continuous, but non-consistorial, Orthodox shul in Paris;[33] it was located at 10 rue Cadet [Map C.19] in the 9th arrondissement of Paris. It was built by Jews of German descent from Alsace and was inaugurated on November 5, 1893. It was also known as the Synagogue de la Rue Cadet or the Communauté Israélite de la Stricte Observance (CISO).[34] Unfortunately, this storied shul closed its doors in 2014. The founding rav of Adas Yereim was Rav Moshe Weisskopf (1836-1936).[35]

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[33] Since the consistory did not consistently uphold Orthodox Jewish values, its history does not concern our narrative.

[34] The synagogue on Rue Cadet was established in 1893 after the merger of the Société de l'étude talmudique and the Société du patriarche Abraham. Both societies were founded in the 1840's by Jews of German descent, most of whom came from Alsace. The chairman of the Société de l'étude talmudique (Chevra Kadisha de-Shas), was Rav [Dr.] Naftali Klein (see more about him in note 37), a staunch opponent of the reform efforts of the consistory. In 1852, the society inaugurated a minyan in 14 rue Portefoin in the Marais district and was called Beis Hamedrash Chevra Kadisha de-Shas. In 1858, the Beis Hamedrash was on rue des Gravilliers; they later moved to rue Villehardouin, and in 1884-6, to rue de l'Échiquier in the 10th arrondissement. The Société du patriarche Abraham was founded in 1832. In 1872, the community had a minyan at 1 rue de la Boule Rouge, near rue Cadet. After the merger of the societies in 1893, they erected the Beis Hamedrash on 10 rue Cadet. In 1905, the Communaute Israelite De La Stricte Observance (CISO) called their Beis Hamedrash, Adas Yereim Chevrah Kadisha D'Shas, or Synagogue de la Rue Cadet. For more on Adas Yereim, see: Dominique Jarrassé: *Guide du Patrimoine Juif Parisien, Parigramme, Paris*, pp. 118- 120; Moshe Catania, http://judaisme.sdv.fr/histoire/rabbins/sarassin/index.htm; *The Jewish Voice*, November 24, 1893, p. 8, and *The Jewish Chronicle*, November 20, 1908, p. 11; see also Kestenbaum & Company, Auction 72, Thursday, March 16th, 2017, Lot number 243.

[35] Rav Weisskopf was the son of Rav Dovid Seligmann Weisskopf, the Rav of Wallerstein (Bavaria). He was born in Fischach (Bavaria). In 1855, he headed the preparatory rabbinical school of Rav Shlomo Zev Klein, the Rav of Colmar (France). In 1858, he settled in Paris and was rav of the Beis Hamedrash Chevra Kadisha de-Shas, later called Adas Yereim Chevrah Kadisha D'Shas (see note 34). While Adas Yereim was non- consistory, Rav Weisskopf was a member of the consistory so as to influence from within. Rav Weisskopf had a Yeshivah in Paris, and in 1868, he headed the Bagdad School under the Alliance Israélite Universelle. For more on Rav Weisskopf, see: *HaLevanan*, November 14, 1867, p. 348, and August 19, 1869, p. 261, and June 9, 1870; *The Jewish Chronicle*, November 14, p. 8, November 21, p. 1,

After Rav Weisskopf's passing, he was succeeded by Rav Eliyahu Munk (1900-81), who stayed on as rav until his retirement in 1973.[36]

Some of the other rabbanim in Paris at the time were Rav [Dr.] Naftali Klein (1845-1902),[37] Rav Binyamin Shlomo Zalman Hamburger (1903-murdered in

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November 28, p. 1, 1862, and October 5, p. 6, 1866, and December 13, p. 2, 1867, and May 15, p. 3, May 22, p. 2, and August, 28, p. 7, 1868, and September 27, p. 362, October 4, p. 374, October 11, p. 387, October 18, p. 399, 1872, and November 20, 1908, p. 11.

[36] Rav Munk, the son of Shmuel, was born in Paris. In 1927, he was first a district Rav of Ansbach (Bavaria). He was installed as Rav of Adas Yereim in Paris in 1937. Because of the German invasion of France, he moved to Switzerland in 1940. He then returned to Adas Yereim after Paris was liberated and stayed on as rav until his retirement in 1973, after which he settled in New York. For more on Rav Munk see: *Olam HaTefilos*, vol. 2, pp. 3-4, and *HaPardes*, vol. 45 no. 1 (October 1970), pp. 5-6. His published works include: *Die Welt der Gebetbeise* (2 vols. 1938); Eng., *The World of Prayer*, 2 vols. (1954–63), a commentary on the siddur; *Das Licht der Ewigkeit* (1935); *La justice sociale en Israel* (1947); *Rachel* (on the duties of Jewish women; 1915), and a translation into French of Rashi's commentary on Chumash (1957).

[37] Rav Klein was the son of Rav Shlomo Zev Klein, the Rav of Colmar (France). He was born in Durmenach (Alsace), and was an ophthalmologist and a rav. Rav Klein's father remarked that he intended to show the world that a doctor of medicine can at the same time remain an observant Jew. Rav Klein was the chairman of the Société de l'étude talmudique (Chevra Kadisha de-Shas), which merged to become Beis Hamedrash Adas Yereim (see note 34). Rav Klein was for a number of years the president of Beis Hamedrash Adas Yereim. For more on Rav Klein, see: *HaLevanon*, October 31, 1879, p. 101; *Habazeleth*, May 16, 1902, p. 192; *HaZefirah*, May 16, 1902, p. 99; *The Jewish Chronicle*, May 9, 1902, p. 2, and alex-klein.co.il, under the heading, "L'Kavod Bais Aba."

the Holocaust),[38] Rav Mordechai Shochetman (1884-1948),[39] and Rav Shimon Langer (1897-1987).[40]

In the early 1900's, the Jewish population gathered in communities throughout Paris and its environs with the largest Jewish neighborhoods on the Right Bank in the 4th [Map C.21], 9th [Map C.22], 11th [Map C.23], 19th [Map C.24], and 20th [Map C.25] arrondissements, and on the Left Bank in the 13th [Map C.26] arrondissement.

By the year 1700, the population of Paris was approximately 600,000. In 1836, the population of the Right Bank of Paris was more than 660,000. The Left Bank's population at that time was approximately 235,000; by 1886, it was greater than 600,000.[41] By 1936, the Right Bank contained a population of

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[38] Rav Hamburger was born in Frankfurt. Between the years 1932-34, he taught in the Montreux Yeshivah (Yeshivas Eitz Chaim) of Switzerland, after which he settled in Paris and was the Dayan of Kehilas Adas Yereim under Rav Munk. For more on Rav Hamburger, see: *Zikhronos U'Masoros Al HaChasam Sofer*, 2014, p. 349.

[39] Rav Shochetman was born in the city of Sharhorod located in the Vinnytsia Oblast (Podolia), in Ukraine. He was Rav of (small) Tshernovits (Podolia), (1906-19), and Soroca (Moldova), (1919-31). In 1931, he immigrated to Paris where he was Rav of Kehilas Yavneh, and in 1941, he settled in New York. For more on Rav Shochetman and for some of his writings, see: *Talpiyos*, 2. 1-2, (1945), pp. 255-256, and 7. 2-4 (1961), pp. 261-271; *Entsiklopedyah Shel HaTsiyonut HaDatit*, 5, pp. 727-729; *Shana BaShana*, 1990, pp. 501-519; *The Jubilee Book Karnoth Tzadik*, pp. 230-256; *Der Tog*, February 20, 1958, p. 5, and see also *Igros Moshe, EH*, 1:117.

[40] Rav Langer was originally from Alsace-Lorraine. From 1924-40, Rav Langer headed the Societe du Culte Traditionnel Israelite and was Rav of Synagogue de la rue de Montevideo (in 1928, the rue Thery was renamed rue de Montevideo) [Map C.20], which was later named Ohel Avraham. Prior to Rav Langer's instalment as rav, the shul was under the leadership of Adas Yereim and Rav Weisskopf. Rav Langer stated that that after he assumed the position as the rav, he depended on Adas Yereim and Rav Weisskopf for all religious issues. In 1941, he moved to New York and became the Rav of Congregation Orach Chaim. For more on Rav Langer, see: https:// fr.wikipedia.org/ wiki/ Simon_ Langer; http: / / archive.wikiwix.com/cache/index2.php?url=http%3A%2F%2Fsynagogue- montevideo31.com%2Fhistoire- de- la- synagogue%2F; https://www.synagogue- montevideo31.com/wp- content/uploads/2020/07/Journal- du- Jubile.pdf, and New York Daily News October 14, 1987, p. 43.

[41] Prior to 1860, the Right Bank's arrondissements numbered 1-9, and the Left Bank's from 10-12. Subsequently, the Right Bank's arrondissements numbered 1-4, 8-12, and 16-20. The Left Banks, 5-7, and 13-15.

nearly two million; the Left Bank's population was approximately 740,000.[42] At that time, there were approximately 165,000 Jews living in Paris. Furthermore, the Right Bank enclosed by the Seine included some communes of Paris.[43] Hence, the population at the time was well over two million. By the 1970's, the Jewish community probably hit its peak and the Jewish population of Paris was estimated at between 300,000 and 350,000. The Jewish community of Paris ranks third (after New York and Los Angeles) among the Jewish cities in the Diaspora.

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[42] See http:// www.demographia.com/ db - paris- arrondpre1860.htm, and http://www.demographia.com/ db- paris- arr1999.htm.

[43] The Seine, as it turned north, ran outside the city limits of Paris, and it encompassed the following additional communes: Boulogne-Billancourt, Neuilly-sur-Seine, and Levallois-Perret. Since Rav Munk was making use of this segment of the river as the western *mechitzos* and part of the northern *mechitzos* ending at the Asnières Railway Bridge [Map C.9], we would include the population of these communes in the Paris tally. In 1936, the collective population of these communes was over 225,000. Hence, the population included in the area being considered for an *eruv* was more than 2.2 million. Additionally, if Rav Munk was utilizing the Saint-Ouen Railway Bridge [Map C.16] as the endpoint, the communes of Clichy and (part of) Saint-Ouen-sur-Seine would be included, and their combined population in 1936 was more than 100,000.

SECTION TWO:

The Paris Eruvin

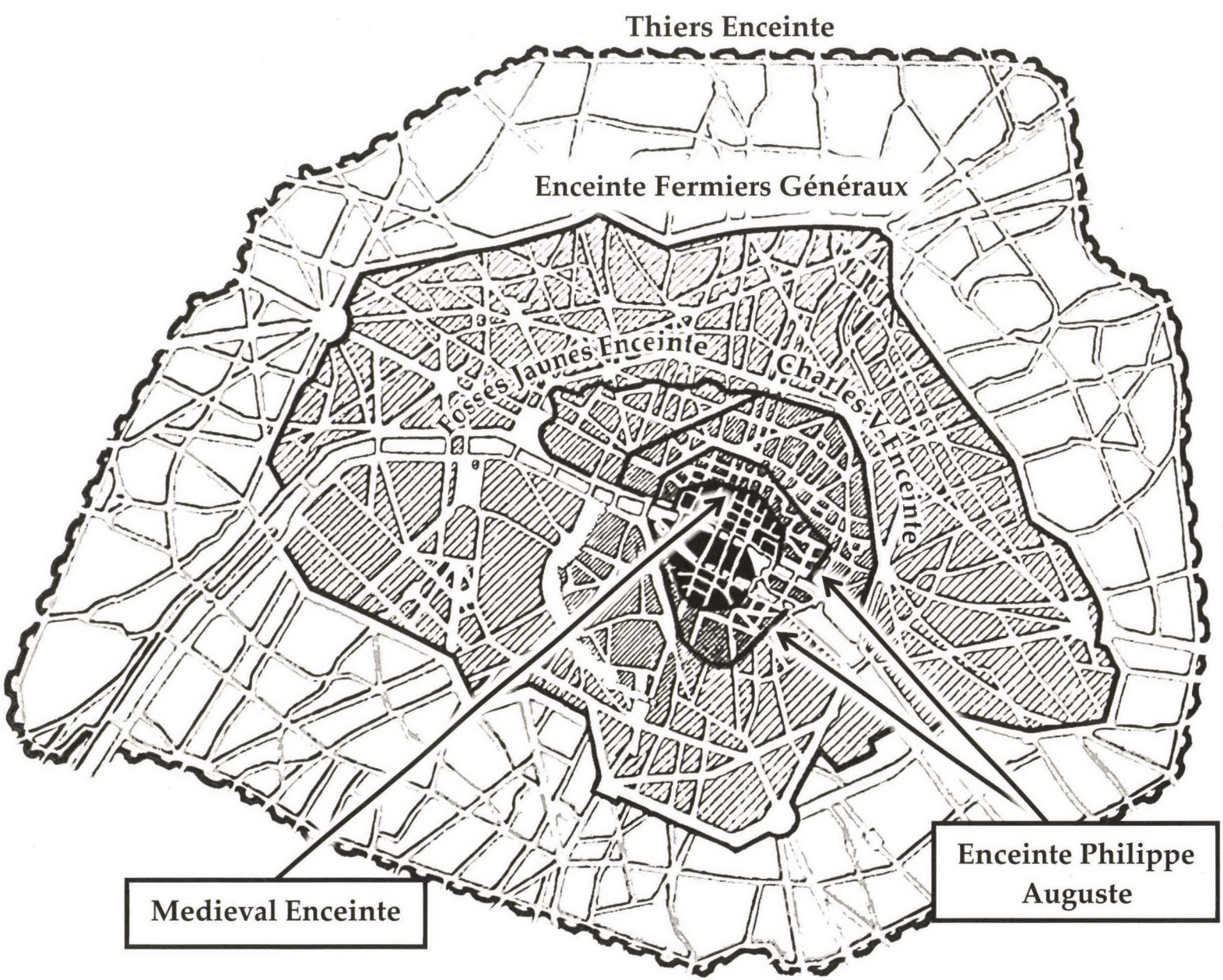


Figure 1
The enceintes encompassing Paris

SECTION TWO
THE PARIS ERUVIN

THE PRECURSOR TO THE PARIS ERUVIN

Whenever feasible, Jews relied on city fortifications to allow carrying on Shabbos.[44] While we do not have any record that the enceintes that encompassed Paris from earlier times were utilized to allow carrying on Shabbos, it is plausible that the Jews of Paris made use of the varying enceintes that delimited the city over disparate time periods for an *eruv*. In fact, as we shall see, the enceinte that encircled Paris in the 1800's was employed as *mechitzos* for an *eruv*.

It is unknown if the fortifications erected in Gallo-Roman eras were still extant when the first Jews settled in Paris on the Ile de la Cité. In any case, since it is an island, it is possible that its riverbanks were classified as halachic walls.

In the 10th and 11th centuries, the area on the Right Bank where Jews resided was encompassed by the medieval enceinte [see Figure 1, and Map A.16: green line], which could have been exploited for an *eruv*. Additionally, there was a Jewish quarter, Juiverie, on the Right Bank in the area of Les Champeaux

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[44] E.g., *Bavli Eruvin* (6b); *Sar Shalom Gaon* (*Chemdah Genuzah, siman* 70, and *Sharei Teshuvah, siman* 209; see also *Sefer Ha'itim, ois* 92); *Ravyah* (*Hilchos Eruvin* 386); *Tosfos* (*Eruvin* 62b), and *Rivash* (*siman* 405). [See also *Avkas Rochel, siman* 47, and *Teshuvos Rema, siman* 120.] The phenomenon of utilizing city fortifications to allow carrying on Shabbos continued through the era of the dismantling of city walls (circa 1800), after which, the rabbanim sought to make use of alternate existing structures, e.g. telegraph, telephone, and electric lines. The motivation to use extant structures was that permission to build *tzuras hapesachim* was extremely hard to come by. As we shall see, government sanction to erect an *eruv* was difficult to realize even after the emancipation of the Jews in France in 1791. It would have been even more difficult to secure permission in the era of the *Rishonim*.

[Map A.8], which was not encompassed within this enceinte, but it was secured by gates on either end.

When the various enceintes were erected, the riverbanks of the Seine were not fortified, although as the riverbanks were built-up over time, they could have been classified as halachic walls.

King Philippe Augustus was the first to erect an enceinte that included both the Right and Left Banks of Paris [see Figure 1, and Map A.25: blue line]. The construction commenced in 1190 and concluded in 1215. The eincentes's average height was between 26-32 feet. The gates were closed by heavy wooden doors or portcullises. This enceinte could have been employed as *mechitzos* to allow carrying on Shabbos since all the areas populated by Jews at the time were encompassed by this enceinte.

Under Charles V, the enceinte of Philippe Augustus was expanded and improved on the Right Bank [see Figure 1, Map A.26: red line]. A fortification was erected facing the Seine on the Right Bank (running towards the inner Philippe Augustus Enceinte [Map A.27]). Some improvements were also made to the Philippe Augustus Enceinte on the Left Bank. Work on the expansion began in 1356 and was completed in 1383.

Charles VI expelled all Jews from France, and they left Paris on Nov. 3, 1394. However, after the expulsion, there occasionally were some Jewish residents in Paris. In 1633, Louis XIII completed his expansion of Charles V's Enceinte on the Right Bank; it was called the Fossés Jaunes [see Figure 1, Map A.28: yellow line].

Up until this time period most of the original enceintes were left standing, and the successive kings just added additional fortifications. However, for political and security reasons, Louis XIV ordered the demolition of all Parisian fortifications, and in 1670, their removal began (it continued until 1715), after which time Paris became an open city.

From 1784 through 1787, in order to enforce collection of the octroi taxes, the enceinte of the Fermiers Généraux was built [see Figure 1, and Map B.1: green line]. This wall, while not for defensive purposes, enclosed both banks of Paris. Its height was approximately 10 feet. All the areas populated by Jews at

the time were included in the Fermiers Généraux, which could have been utilized to allow carrying on Shabbos.[45]

THE INITIAL PARIS ERUV AND ITS DISMANTLING

The first mention that it was permissible to carry in Paris[46] was in a letter from Rav [Dr.] Naftali Klein dated September 2, 1897 in the journal *HaMe'assef*.[47] In his letter,[48] Rav Klein argued that Paris was encompassed by walls and was classified as a *reshus hayachid*; hence, there would be no issue of carrying from one domain to the other.[49] (He added that there was no concern of people walking out of the *techum Shabbos*; since the railroads that encircled Paris [the Petite Ceinture; Map C.2.4.6.7] were inside the city walls, people would not walk beyond its borders.[50]) From the time period, it is apparent that Rav Klein was referring to the Thiers Enceinte [Map C.1: green

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45 Between the time periods when Paris was not encompassed by any *mechitzos*, beginning with the removal of all the enceintes in 1670 until the establishment of the Fermiers Généraux in 1784, there were very few Jews residing in Paris. In fact, after the expulsion of 1394 until the Revolution in 1789, the Jews who resided in Paris had no legal status. The number of Jews in Paris immediately prior to the Revolution was probably no greater than 500.

46 There was an article in *HaLevanon* November 30, 1866, under the heading, "*France*", and subheading, "Paris", which refers to the city's *eruvei chatzeiros* that was hung in the *Bais HaKnesses*. However, it is not discernable if they are referring to the cities of France or to the city of Paris.

47 Issue 48, *siman* 203.

48 The letter was regarding his opposition to riding the railways on Shabbos.

49 This letter seems to contradict what was written in *HaLevanon* (October 31, 1879, p. 101). In order to demonstrate the piety of Rav Klein, the author mentions that he did not carry at all in Paris on Shabbos. While it is possible that Rav Klein maintained that carrying was allowed but did not make use of the *eruv* himself, from his article in *HaMe'assef* it is clear that he upheld there was no issue to carry at all in Paris on Shabbos.

50 At the time, there was no need to explore the possibility of utilizing the railroads on their own to enclose the entire city of Paris since it was encompassed by an actual wall which ran beyond the boundaries of the railroad.

line], which encompassed both banks of the city of Paris[51] and was erected in 1845 and dismantled in 1919.[52]

There were queries sent by two Parisian rabbanim to Rav Yitzchak Isaac HaLevi Hertzog[53] regarding an *eruv* for Paris that shed some light on the earlier *eruv*. The first letter by Rav Binyamin Shlomo Zalman Hamburger, dated May 4, 1937, indicates that Paris was previously a walled city which had locked doors, and at the time, the rabbinical authorities made use of this fact for an *eruv*, and enacted *sechiras reshus* from the government.

The second letter to Rav Hertzog[54] was by Rav Eliyahu Munk [n.d.[55]], and he mentions, as well, that Paris was formerly a fortified city, encompassed by walls

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51 There are numerous halachic issues with the Thiers Enceinte and it is unknown how the rabbanim dealt with them. Since they were not fortified, the banks of the River Seine and the Canal de l'Ourcq [Map C.27] and Canal St. Denis [Map C.28] were breaches in the enceinte. It is possible that, for the River Seine, the rabbanim upheld that the Pont National (on the east side) [Map C.3] and the viaduct d'Auteuil (on the west side) [Map C.8] formed *tzuras hapesachim* over the river. Hence, the two banks of the city were halachically classified as enclosed, and they did not need to employ the riverbanks as *mechitzos*. However, it is not clear what they utilized for the canals, although it is conceivable that the rabbanim maintained that the railroad bridges which crossed the canals were classified as *tzuras hapesachim*. [In order for the bridges to have been classified as sufficient *tzuras hapesachim*, there are numerous halachic issues that would have needed to be satisfied. Additionally, it is not likely that the Canal quays were sufficient *mechitzos*.] However, as we shall see, Rav Munk had to deal with the issue of the breaches caused by the bridges that spanned the river. This issue would also have been problematic during the use of the Thiers Enceinte. Furthermore, it is not certain how they dealt with the *pirtzos* in the enceinte created by the railroads.

52 The dismantling of the Thiers Enceinte began in 1919 and concluded in 1929. However, for halachic purposes, once the dismantling began, the city was not entirely encompassed, hence the start date, 1919, is used. See note 58 for a possible exception.

53 This query was published in *Yerushasenu*, vol. 11, pp. 133-138, from the Rav Hertzog archives in the Israel State Archives (4250 / 17 - ט).

54 See source, note 53.

55 As we shall see, it is apparent from the *Achiezer's teshuvah*, Rav Munk sent very similar inquiries to both Rav Hertzog and the *Achiezer*. This can possibly be the reason why Rav Munk did not pen a salutation nor a closing and signature to this letter; someone, perhaps Rav Hertzog, noted in pencil that it was written by Rav Munk. He probably wrote duplicate letters regarding the halachic issues of establishing an *eruv* and included a personalized letter to each rav. Therefore, Rav

with locked doors, and people were able to carry on Shabbos without the need for any rectification. However, he added that since these walls were dismantled some years previous, there was a need to find an alternative method to allow carrying in Paris.

Dr. Alexander Klein[56] wrote[57] in his tribute to his father Reb Shlomo Zev Wolf Klein that, since Paris was encompassed by an *eruv*, it was the custom of his grandfather, Reb Alexander Klein, to read to his children while walking through its streets.[58] Dr. Klein continues that "The elderly Rav Moshe Weisskopf served as rabbi of the Bais HaKnesses Adas Yereim (on Rue Cadet) [Map C.19], one of the few Orthodox congregations at the time in Paris.... He passed away a week before his 100th birthday celebration. At the time, there was an *eruv* in Paris, which allowed carrying in the streets on Shabbos based on the walls surrounding it, but these walls were completely dismantled between the years 1919-1929. After the passing of Rav Weisskopf (1936), Rav Elie Munk was appointed rabbi of the congregation in 1937. One of the first rulings handed down by Rav Munk was the disqualification of the *eruv* as a result of the demolition of the wall. Some members of the congregation criticized the young rabbi who allowed himself to prohibit what his predecessors permitted."[59]

Hertzog's and the *Achiezer's* queries were exactly the same. In any case, since the *Achiezer's teshuvah* was dated August 26, 1938, it is possible to approximate the date of Rav Munk's letter to Rav Hertzog as well.

56 Dr. Alexander Klein is Rav [Dr.] Naftali Klein's great-grandson.

57 See, alex-klein.co.il, the heading, "*L'Kavod Bais Aba.*"

58 An exact date for this event is difficult to assign. Reb Shlomo Zev Wolf Klein was born in 1916, and he was one of the sons that Reb Alexander Klein was reading to. The Thiers Enceinte demolition began in 1919. Hence, it is possible that, at that time, even after the start of the demolition, the Right Bank remained halachically encompassed.

59 Dr Klein's narrative does not follow. If the walls were dismantled between the years 1919-29 and henceforth there were no walls to rely on, what was the argument of some of the congregation that Rav Munk, "allowed himself to prohibit what his predecessors permitted." Didn't his predecessors only allow carrying because the city of Paris was encompassed by a wall which did not exist at that point? Or did Rav Weisskopf maintain that between the years 1919, when they started to dismantle the wall, through 1936, when he passed away, that there was an alternative method to allow carrying on Shabbos in Paris? The latter is more likely accurate, and as we shall see, both Rav Hamburger and Rav Bronspiegel indicate that there were some suggestions put forth to allow carrying even after the Thiers Enceinte was dismantled.

The Parisian Magistrate, Shlomo [Jacques] Kohn (1929-2012),[60] wrote,[61] "When Rav Weiskoff passed away (1936) at almost a hundred years old, the Jewish Community of strict observance (CISO), Rue Cadet, set out to find a successor. Rabbi Munk, who was concerned about the rise of Nazism in Germany, put forward his candidacy, and it is on this occasion that we could distinguish his courage and strength of character. There had formerly existed an *eruv* in Paris until the years following the First World War. To protect the city, the government, directed by Adolphe Thiers, had a belt of fortifications built between 1840 and 1845 near what is now called the Boulevards des Maréchaux, which is not far from the current Boulevard Périphérique. Thus, Paris was entirely enclosed without the need for any rectifications, and the rabbinical authorities at the time instituted an *eruv* allowing the Parisian Jews to carry outside of their homes on the Shabbos. However, these fortifications were no longer of military value during the First World War, and so they began to dismantle them in 1919, which put an end to the *eruv* for the whole of Paris. This should have prompted religious Jews not to carry anything outside of their homes on Shabbos. However, this was not the case, and a good number of faithful of the shul on Rue Cadet continued, notwithstanding the dismantling of this *eruv*, to carry objects in the street.[62] When the administrators of the shul announced to Rav Munk that they had favorably received his candidacy (1937), the latter placed a condition on his acceptance: he demanded that they now scrupulously respect the ban of carrying on Shabbos in the public domain. The community complied with this requirement, and Rav Munk became its spiritual leader until 1973, when he retired to the United States."

The son-in-law of Rav Munk, Rav Abba Bronspiegel, in 2001,[63] gave some additional background as to why carrying continued in Paris on Shabbos. Rav Bronspiegel wrote that it was known in the family that when his father-in-law arrived in Paris in 1937, he witnessed that all residents of the city were

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60 For more on Magistrate Kohn, see https://fr.wikipedia.org/wiki/Jacques_Kohn.

61 See Chiourim.com, Un Erouv autour de Paris; Techouvot.com, Erouv in Paris, and Cheela.org, conversation, 42506.

62 See the section below, *"Analysis of the Non-Halachic Issues,"* and the query to the *Shiboles Hanahar* cited there, from which it seems that it is more probable that carrying on Shabbos was not the norm in Paris.

63 In a letter to the editor of the journal *Kerem B'Yavneh*, vol. 5, p. 330, dated January 10, 2001.

carrying.[64] The community's argument was that Paris at the time was encompassed by four *mechitzos*.[65] Rav Munk investigated the matter and concluded that, in fact, Paris was not enclosed halachically by four *mechitzos*.[66] He then informed the community that carrying was not permitted. However, he observed, the public continued to carry on Shabbos. Thus, Rav Munk sought to identify an alternative means to allow carrying in Paris.

The above letters illuminate the physical construct that was being used to allow carrying in Paris. However, when exploring the prospect of establishing an *eruv* for a large city such as Paris, the issue of *reshus harabbim* invariably arises. As mentioned above in the Introduction, while Paris's population fluctuated, by the 1700's, the population was greater than *shishim ribo*, and by 1836, the Right Bank alone had a population of more than *shishim ribo*. Accordingly, those who relied on the criterion of *shishim ribo* would not have discussed the issue of Paris being classified as a *reshus harabbim* until 1836, since the Seine divided the two riverbanks of Paris, and halachically, they would have been classified as two distinct cities. However, from the above letters it seems that for Paris, at least from 1845, when the Thiers Enceinte was erected, Parisian Jews relied on the fact that the city was encompassed by

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64 See above note 62.

65 Even though no one proposed to rely solely on the railroad structures for an *eruv* in Paris, it is possible that they constituted a major part of the *mechitzos* they were utilizing at the time. Besides, for the riverbanks of the Seine, they would have had to make use of two segments of the Petite Ceinture, the Rive Droite [Map C.2] and the Auteuil Line [Map C.4], to enclose the entire Right Bank of Paris with the railroads. Both segments of the railroad ran on a combination of embankments/viaducts, level crossings, below ground tunnels, and in cuttings/trenches. The sections enclosed by embankments were usually halachically sufficient. Many sections of the Petite Ceinture that were on level crossings and cuttings were enclosed by gates (and for the cuttings they could have made use of *gud asik mechitzos*, as well). The issues they would have needed to contend with were the tunnels below ground (since the area they covered were breaches in the enclosure), the bridges above the tracks (if they were considered *pirtzos*), and the bridges spanning the Seine on the southern side of the city (if they were considered *pirtzos*). To enclose both banks of the city, they would have had to use the Petite Ceinture Rive Gauche Line [Map C.7] as well, which would have been complicated since much of it ran below ground.

Alternatively, it is possible that they made use of the enclosure that Rav Hamburger mentioned (see also note 78).

66 See notes 136-137.

mechitzos, and, hence, they were not concerned that it may be classified as a *reshus harabbim*.

However, the renowned *posek*, the *Bais Ephraim*, Rav Ephraim Zalman Margulies (1760-1828), in his famous *teshuvah*[67] (circa 1814[68]), did mention the issue of Paris being a *reshus harabbim* even in times past. He posits that the reason why some *poskim* only mention the criteria for a *reshus harabbim* are that a street needs to be sixteen *amos* wide and *mefulash u'mechavanim me'shar le'shar* but does not mention the criterion of *shishim ribo* is because there were cities such as Paris,[69] London, Vienna, and Frankfort-am-Main that did contain *shishim ribo*.[70] Therefore, the *Bais Ephraim* postulates these *poskim* only mentioned the criteria that pertained to them and allowed them to erect *eruvin* in these cities. While *mechitzos* were being utilized for the first Parisian *eruv* and the *Bais Ephraim's* suggestions did not come into play,[71] they were debated for the second *eruv*, as we shall see.

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67 *O.C. siman* 26, p. 45.

68 While the *teshuvah* is not dated, this *teshuvah* was in reference to a query of the *Mishkenos Yaakov* which was dated April 17, 1814 (see *Kuntres Vashivah Chorfai Davar*, p. 3 note 3, and *Likras Shabbos Malkasa*, p. 156).

69 The *Bais Ephraim* was probably referring to the population of the entire city of Paris which contained *shishim ribo* at the time. However, since the Seine divided the two banks of Paris halachically, they would have been classified as two distinct cities. Hence, the first time Paris's Right Bank encompassed a population of more than 600,000 was in the year 1836. Additionally, it is also possible that while neither bank of Paris at the time contained a population of *shishim ribo*, since it was an important trading hub, many traders came and went, so their numbers would have been added to the tally.

70 See the subheading, "The Criterion of *Shishim Ribo*," regarding the argument that the *Bais Ephraim* must have meant that the criterion of *shishim ribo* is conditional of the city. This is actually disproven from the *Bais Ephraim's* own words.

71 One can make the argument that the *Bais Ephraim* was referring to the time that Paris was not encompassed by enceintes and ramparts since the *Bais Ephraim's teshuvah* was written circa 1814 and the above letters were referring to the Thiers Enceinte which was completed in 1845. However, it is probable that the Jews of Paris relied on the earlier enceintes (Fermiers Généraux [Map B.1]) to carry on Shabbos in Paris as well. It is also likely that the *Bais Ephraim* did not know about the enceintes encompassing Paris.

THE PROPOSAL FOR AN ERUV OF PARIS

After the demolition of the Thiers Enceinte in 1929, we see the start of a discussion regarding how to rectify the city of Paris so that carrying on Shabbos would be allowed. Without walls, the need and ability to close the gaps became essential, and the possibility that the city would be classified as a *reshus harabbim* needed to be considered.

• Rav Shochetman's Query to Rav Kahane and His Response

Rav Mordechai Shochetman of Paris wrote a query to Rav Shlomo Dovid Kahane (1869-1953),[72] one of the leading rabbanim of Warsaw, regarding the matter of large cities being classified as a *reshus harabbim,* in which case only *delasos* to close the gaps in the *mechitzos* would be sufficient to allow carrying on Shabbos and not *tzuras hapesachim.*[73] Rav Kahane responded with his famous *teshuvah,*[74] dated December 12, 1933:

> In his opinion, a small town is more likely to be classified as a *reshus harabbim* than a large city. A small town, he argued, is more likely to have an intersecting main road [*derech hamelech*] which is *mefulash u'mechavanim m'shaar l'shaar,* and hence, would be classified as a *reshus harabbim.*[75]

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[72] A biography of Rav Kahane is forthcoming in a monograph on the Warsaw Eruv.

[73] There is additional correspondence between Rav Shochetman and Rav Kahane regarding other halachic matters; see *The Jubilee Book Karnoth Tzadik,* pp. 242-256.

[74] *Nechamas Shlomo, siman* 9 (the first time it was published was in *Hamaor,* vol. 13 no. 3, January 1962, p. 28). Rav Menachem Kasher related (*Hamaor,* vol. 13 no. 3, January 1962, p. 28; *HaPardes,* vol. 36 no. 5, February 1962, p. 29, and *Divrei Menachem, O.C.* vol. 2, p. 42 note 4) how he came upon this *teshuvah* when he was involved with establishing the Manhattan Eruv in January of 1962. Rav Kasher wrote that a week earlier he had been conferring with Rav Yisroel Zev Gustman (1908-91), after which, in that same week, Rav Gustman unexpectedly came across a *sefer* which belonged to Rav Shochetman that he hadn't held in his hands for more than sixteen years. When he opened the *sefer,* he found Rav Kahane's letter and the letters of Rav Shochetman's and Rav Munk's. [Rav Munk had sent a letter to all the rabbanim of Paris, see the heading, "*Why the Eruv of Paris was Never Realized.*"] Rav Gustman attributed this occurrence to Divine providence.

[75] The reason why some find it difficult to comprehend this argument is because they understand that a *reshus harabbim* is only predicated on the number of people contained therein. However, most people recognize that, notwithstanding the number of people traversing a road, it would not be classified as a *reshus harabbim*

Rav Kahane continued that the *Mishkenos Yaakov* in his debate with the *Bais Ephraim* did not want to accept the principle of *shishim ribo* as a criterion of a *reshus harabbim* at all. On the other hand, he argued that the principle of *mefulash u'mechavanim* was recognized by all as a criterion of a *reshus harabbim*, and we do not see that there was any debate regarding the matter.[76] Rav Kahane referred to the *Bais Yosef* (345), the *Magen Avraham* (345:6), and the *Kesef Mishneh* (*Shabbos* 14:1) who define *mefulash* as the opposing gateways being precisely aligned. In large cities, he reasoned, the roads do not fulfill the criterion of *mefulash u'mechavanim m'shaar l'shaar* at all. Rav Kahane affirmed that in Warsaw they relied on the fact that the roads did not fulfill the criterion of *mefulash u'mechavanim*, and, therefore, they allowed for *tzuras hapesachim* to close the gaps and did not require *delasos*. He concluded the *teshuvah* by stating that the requirement of *delasos* for a *reshus harabbim* was not required by all the *poskim* such as the *Or Zarua* who allowed for *tzuras hapesachim* to close the gaps (see the *Minchas Pitim* who expounds on this matter).

We do not know if Rav Shochetman continued to be involved with the issue of an *eruv* for Paris; however, others took up the matter and even had suggestions on how to actually establish an *eruv*. As mentioned above, two rabbanim sent queries to Rav Hertzog, Rav Binyamin Shlomo Zalman Hamburger and Rav Eliyahu Munk.

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if it is not 16 *amos* wide. So, too, we uphold that one of the criteria of a *reshus harabbim* is that a road would need to be *mefulash u'mechavanim m'shaar l'shaar*, and despite the number of people traversing the road, it would not be classified as a *reshus harabbim* if it does not fulfill this criterion.

Furthermore, since Rav Kahane preferred not to utilize the criterion of *shishim ribo*, the number of people contained in a city is irrelevant. Hence, a large city, notwithstanding the number of people traversing its roads, would not be classified as a *reshus harabbim* since its roads are generally not *mefulash u'mechavanim m'shaar l'shaar*. Conversely, a small city, with a lesser population, would be classified as a *reshus harabbim* since its roads are frequently *mefulash u'mechavanim m'shaar l'shaar*.

[76] It is interesting that Rav Kahane did not mention that the *Mishkenos Yaakov* only allowed the criterion of *mefulash u'mechavan* according to *Rashi* (*siman* 122, p. 142).

◆ Rav Hamburger's Query to Rav Hertzog

Rav Hamburger wrote [Figure 2] to Rav Hertzog that he was submitting a query as per the discussion he had with him recently[77] regarding an *eruv* that he wanted to establish for Paris. However, Rav Hamburger stated that, because of time constraints, he will only enumerate the pertinent issues, and that Rav Hertzog should counsel with his Torah guidance:

> Paris is enclosed to control the tariffs [octroi taxes] which are imposed on the merchants entering Paris. Most of these barriers are halachically sound *mechitzos*.[78] Therefore, to establish an *eruv*, the main issue which would need to be addressed would be to close the many breaches of the large thoroughfares which exit the city. There are also smaller thoroughfares, some of which are less than ten *amos* wide, that pass through the city; however, they are traversed by the multitudes.
>
> To rectify these gaps through erecting *tzuras hapesachim* is not possible as it would require government sanction, and there is no chance that they would allow the placement of a crossbeam or even a wire across the width of the roads.
>
> Rav Hamburger continues that he is hesitant to rely on wires that run along the sides of the posts [*tzuras hapesach min ha'tzad*][79] since the *Gedolie Haposkim* are stringent regarding this issue. However, he adds that some

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77 According to *Yerushasenu* (ibid.), p. 134 note 3, Rav Hertzog was obviously in Paris a short time before the query was sent. It is of interest to note that Rav Hertzog's father, Rav Yoel Leib HaLevi Hertzog, was a rav in Paris from 1913-34.

78 What Rav Hamburger meant by barriers is unclear. As mentioned in the Introduction, with the Thiers Enceinte [Map C.1] gone, octroi taxes were still collected at the entry points to Paris until 1943. However, after the enceinte was dismantled, between the years 1919 and 1943, it seems that there were only collection booths at the entry points to Paris to enforce the octroi taxes. Hence, it is not clear what continuous barriers in 1937 Rav Hamburger was referring to that could have been reckoned as *mechitzos*. It is, possible that Rav Hamburger, as he mentions further on in his query (regarding the issue of Paris being classified as a *reshus harabbim*), was making use of the railroads that ringed Paris [the Petite Ceinture; Map C.2.4.6.7], since they formed the perimeter and hence the entry points to Paris. However, Rav Hamburger is referencing *mechitzos* that were utilized for the octroi taxes and not the railroads.

79 Rav Hamburger probably was referring to the telegraph poles.

HAMBURGER

60, RUE LAFAYETTE - PARIS (9e)

Téléph. { TAITBOUT 74-87 74-88

Télégr. adr. : HAMBURGER-MODERNISM PARIS

NOUVELLE ADRESSE

41, rue des Petites-Écuries

PARIS (10e)

TÉL. : PROVENCE 51-89

PARIS. le

Figure 2

Rav Hamburger's query to Rav Hertzog
(Rav Hertzog archives; 4250 / 17 - 9)

disagree with him regarding this issue, not because of halachic concerns, but because of financial considerations. Others argue that since the custom officials supervise those leaving and entering the city, the city is considered as if it is entirely enclosed, and perhaps there is no need for rectifications at all. This he would not consent to, he declared, as we do not find the concept that supervision can replace actual *mechitzos*.[80]

Therefore, Rav Hamburger proposed that, through the principle of *lavud*, they should employ string or wire to fashion doors which have the ability to close. Even though there is a disagreement between the *Rif*, *Rosh*, and the *Rambam* if the doors actually need to be closed at night, Rav Hamburger advocated that they should be lenient and rely on the *Rambam* [who maintains that the ability to close the doors at night would be sufficient] since it is not a given that the city of Paris is classified as a *reshus harabbim* as the city gates are not aligned [*mefulash u'mechavanim m'shaar l'shaar*].[81] Additionally, the city was encompassed by railroads which ran on tracks that were elevated above the thoroughfares, forming *tzuras hapesachim* over some roads which in turn can be perceived as not being *mefulash* as well.[82]

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[80] *Yerushasenu* (ibid., note 6) mentions that Rav Moshe Feinstein (*Igros Moshe, O.C.* 5:28:12) makes the same argument. This, however, demonstrates an incomplete understanding of the issue. Rav Moshe argued that, even if the government required commuters to pay fares, the area would still be classified as a *reshus harabbim*. Rav Hamburger was citing those who claimed that the city is considered entirely enclosed since custom officials supervise those exiting and entering the city. However, Rav Hamburger argued that the concept that supervision could replace actual *mechitzos* was unheard of. Those making this argument were not utilizing this concept to reclassify a *reshus harabbim*; they claimed that it replaces *mechitzos*. This theory, Rav Hamburger argued, is unsupported. However, there are *poskim* who made the argument that the requirement to pay a fare negates the classification of a *reshus harabbim* (see *Aishel Avraham, siman* 345, and *Oim Ani Chomah*, pp. 209-210, 250-253).

[81] It is not evident why Rav Hamburger needed to rely on the criterion of *mefulash* since he argued that Paris was encompassed by *mechitzos*. Hence, even if Paris fulfilled all criteria of *reshus harabbim*, it would be classified as a *reshus hayachid* according to the overwhelming majority of *poskim*. Just as the *Achiezer* argued (see later in the above text), it is irrelevant if all the criteria of a *reshus harabbim* were fulfilled; in a situation of *mechitzos*, *tzuras hapesachim* are sufficient.

[82] It is hard to believe that Rav Hamburger is arguing that a *tzuras hapesach* in its own right can be perceived as interrupting the *pilush*. If this were so, one would only

Rav Hamburger concluded his query by adding that the parks of Paris are not an issue as they are all enclosed by gates with doors that are closed at night.[83] There was no need to rent the rights from the government anew until the times of Moshiach, he declared, since these rights were rented previously from the time that Paris was a walled city and had doors that were locked.

There is no record of a response, if there ever was one, from Rav Hertzog to Rav Hamburger.

◆ Rav Munk's Query to Rav Hertzog and the Achiezer

In Rav Munk's query [Figure 3] to Rav Hertzog and the *Achiezer*,[84] he advances that:

Paris was formerly a fortified city, encompassed by walls with locked doors, hence people were permitted to carry on Shabbos without the need for any rectification. However, he added that these walls were dismantled some years ago, and, therefore, there is a need to find an alternative method to allow carrying in Paris.

Rav Munk posited that there was a possible rectification for the Right Bank as enumerated below. He clarified what the status of Paris was regarding *reshuyos*. Rav Munk argued that Paris was a *reshus harabbim d'Oraysa* since it fulfilled all the criteria mentioned in the *Shulchan Aruch* and the *Rema* in *siman* 345:7.[85] Therefore, he claimed that they would be required to utilize *delasos*, (364:2), but that would not be feasible in Paris as the government would not consent.

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need to erect *tzuras hapesachim*, and (then all *poskim* would agree) it would reclassify an area as a *reshus hayachid*. It is more likely that Rav Hamburger is suggesting that the tracks can be regarded as terminating the *pilush*. It is interesting to note Rav Moshe's argument (*Igros Moshe, O.C.* 1:140) that a section of the road that is *mikorah* breaks the *pilush*.

83 Rav Hamburger is referring to the issue of *karfeifos*.

84 See the subheading "The *Achiezer's* Response," where it is noted that although we do not have Rav Munk's query to the *Achiezer*, it must have been nearly identical to the one that Rav Munk sent to Rav Hertzog. It is apparent that the *Achiezer's teshuvah* on the matter precisely follows Rav Munk's line of questioning to Rav Hertzog. See also note 55.

85 Unfortunately, we are left in the dark as to Rav Munk's rationale why he believed that Paris fulfilled all criteria of *reshus harabbim*; see the subheading, "The Criterion of *Mefulash U'mechavanim M'shaar L'shaar*."

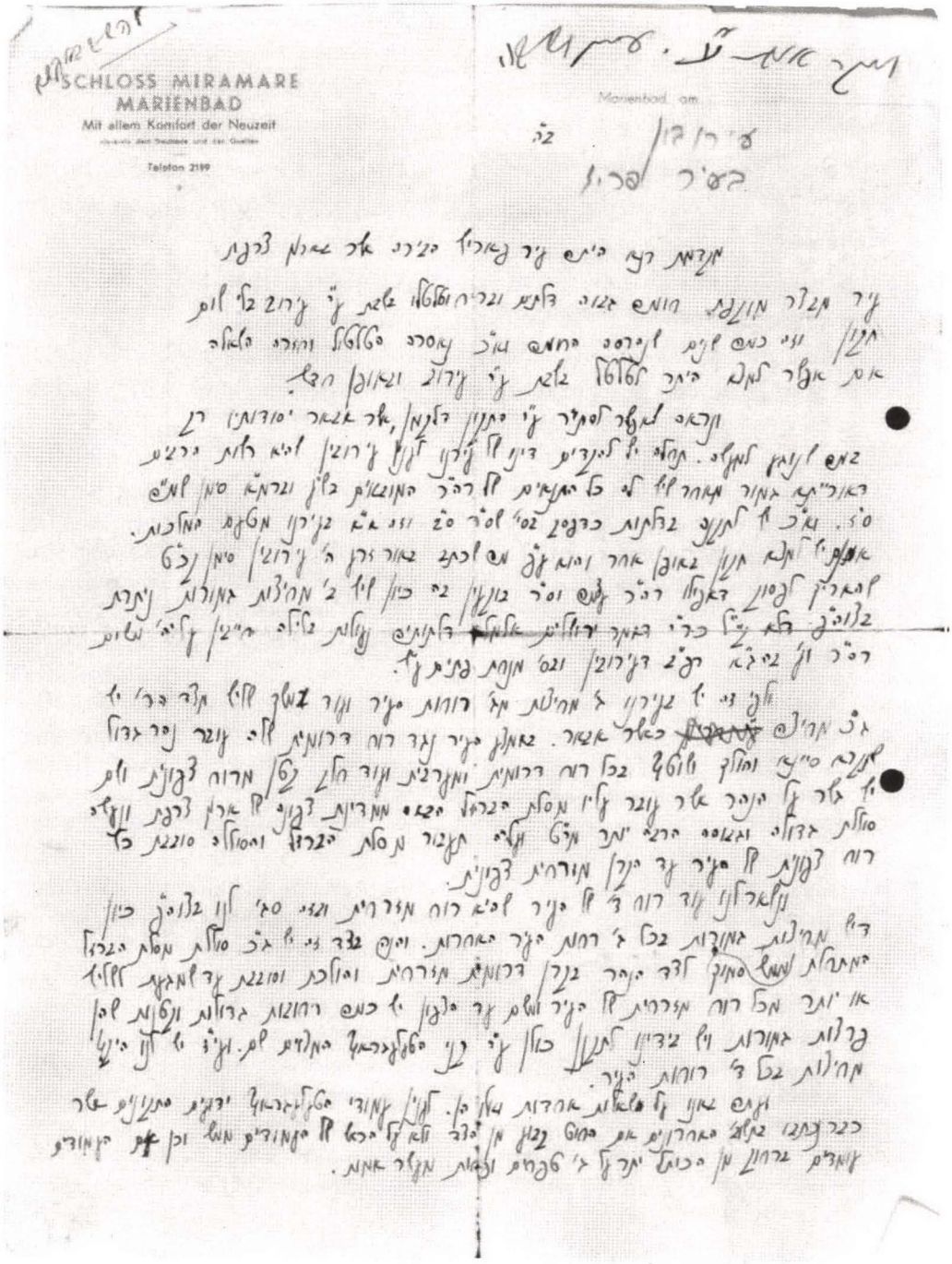


Figure 3
Rav Munk's query to Rav Hertzog
(Rav Hertzog archives; 4250 / 17 - ס)

However, he proposed that there is an alternative as suggested by the *Or Zarua* (*Eruvin, siman* 129) that, even in a *reshus harabbim* proper, two *mechitzos* would suffice to allow *tzuras hapesachim* to close the gaps (see *Hagaos Ashri, Reish Perek Bais*, and *Minchas Pitim, siman* 364:2).[86]

Accordingly, Rav Munk affirmed that Paris was encompassed by three *mechitzos*[87] and that on the fourth side there is a *mechitzah* going up a third of the way.

In the middle of the city, on the south side [of the Right Bank], there is a river called the Seine that encircles the entire south [Map D.1: blue line] and west sides [Map D.2: blue line] and a small segment of the north side of the city [Map D.3: blue line] on which there is a bridge [Map D.4][88] that is

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[86] Even though Rav Kahane was first to suggest the *Or Zarua*, it is probable that Rav Munk did not see the letter from Rav Kahane since Rav Munk did not mention Rav Kahane's primary recommendation, *mefulash u'mechavanim m'shaar l'shaar*. One would think that if Rav Munk was aware of Rav Kahane's suggestion, he would have at least debated its pertinence in his queries to Rav Hertzog and the *Achiezer*.

[87] It is puzzling why Rav Munk would initially propose that they follow the *Or Zarua* who allows two *mechitzos*, even for a *reshus harabbim*, when he himself indicates that there are three *mechitzos* encompassing the Right Bank of Paris. Why would he suggest that they rely on the *Or Zarua*, a *daas yachid* (see note 104 for an opposing view), when he could rely on the overwhelming majority of *poskim* who maintained that an area encompassed by three *mechitzos* is a *reshus hayachid*? In fact, the *Achiezer's* decision did not rely on the *Or Zarua* but rather on the three *mechitzos* encompassing Paris.

[88] It is most probable that Rav Munk was suggesting the Asnières Railway Bridge [Map D.4], since he stated that the railroad crosses the Seine and runs along the entire north side of Paris. The Asnières Railway Bridge was the only railroad bridge crossing the Seine which linked to a railroad, the Petite Ceinture Rive Droite [Map D.5] (through the embranchement de l'usine Gouin [Map D.7]), which ran along a large section on the northern side of Paris. Additionally, Rav Munk was only utilizing a small segment of the river Seine for the northern *mechitzah* of the city, and for the remainder, he was suggesting the railway. Hence, he must have been referring to the most western railway bridge traversing the Seine which was the Asnières Railway Bridge. All other railways crossed the Seine further east, and therefore, would have employed more than just a small segment of the Seine as the northern *mechitzah*.

There is an alternative possibility, the Saint-Ouen Railway Bridge [Map D.8], on which the La Plaine to Ermont - Eaubonne line ran. However, after the railroad crossed the bridge, this railway line only ran along a short section of the north side of Paris [Map D.9: red line]. Nevertheless, because of the issue of the tunnels on the

crossed by a railroad originating from the north of France.[89] This railroad runs along an embankment that is more than ten *tefachim* high and continues along the entire north side of Paris [Map D.5: yellow line] until the northeast corner of the city [Map D.6].[90]

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northern section of the Petite Ceinture, we cannot discount entirely the possibility that Rav Munk was making use of the Saint-Ouen Railway Bridge. [See note 90 for an alternative suggestion that uses the Saint-Ouen Railway Bridge.]

89 Rav Munk writes that the railroad runs from a country north of France. He probably is referring to a city/state that is north of Paris such as Normandy which the Asnières Railway Bridge serviced. Alternatively, he might have been referencing the Saint-Ouen Railway Bridge and the La Plaine to Ermont - Eaubonne line which linked to many cities north of Paris. Furthermore, most of these railway lines ran to and from countries up north such as Belgium.

90 It is difficult to discern with any amount of certainty what Rav Munk was referring to. The most puzzling fact that Rav Munk mentioned was that the railroad ran on embankments along the entire northern side of Paris. This raises many issues:

Rav Munk's details most resemble the Petite Ceinture Rive Droite railroad [Map D.5: yellow line] since, starting from the Asnières Railway Bridge [Map D.4] (running into Paris on the Western Railway Company trunk line [Map D.10: purple line] joining the Petite Ceinture Rive Droite [Map D.5], through the embranchement de l'usine Gouin [Map D.7]), it ran along the entire northern side of Paris. However, while some of the Petite Ceinture Rive Droite railroad ran on embankments which were ten *tefachim* high, many sections were on level crossings and in cuttings/trenches. On the other hand, since many of the sections that were not on embankments were fenced in and those in cuttings could have made use of *gud asik mechitzos* as well [if it is *mislaket asara mitoch arba*]; these particulars could have been used to complete the encirclement of Paris. Nevertheless, we cannot say for certain what Rav Munk was utilizing as above ground *mechitzos* for those sections of the railroad which ran in tunnels or covered trenches. Rav Munk proposed that they use the principle of *gud asik* for the bridges, but there is no doubt that he would not have advocated to make use of *gud asik* for the tunnels below ground.

Additionally, even the segments of the railway on embankments were not solid *mechitzos* throughout their entire length. Many sections of the embankments were breached in order to allow passage of the thoroughfares, and bridges/viaducts were built to allow the railroads to span them. Nevertheless, it's probable that the *mechitzos* were *omed merubeh al haparutz*, and Rav Munk maintained that these bridges formed *tzuras hapesachim*, merging the gaps in the embankments.

Therefore, if Rav Munk was making use of the Petite Ceinture Rive Droite, it is a mystery as to why Rav Munk would state that he was utilizing the railway that ran on embankments along the entire northern side of Paris as *mechitzos*, when in fact

Rav Munk argued that the only part needing rectification was along the east side of the city, and *tzuras hapesachim* would be sufficient since the city is encompassed by three *mechitzos* on its other sides. He indicated that even

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he would need to rely on fences for the level crossings and the cuttings, and employ the bridges/viaducts as *tzuras hapesachim* over the thoroughfares.

Alternatively, since much of its tracks ran on embankments, Rav Munk could have been using the Saint-Ouen Railway Bridge [Map D.8] and the La Plaine to Ermont - Eaubonne line [Map D.9: red line] as far as the Paris North Station trunk line [Map D.11: brown line] (which he would have needed to connect to the Petite Ceinture Rive Droite [Map D.5: yellow line], as it runs east, in order to enclose the remainder of the northern, [and a third of the eastern] side of the city). However, since it only covered a short distance on the northern side of Paris, it is unlikely that Rav Munk was referring to this railway. Additionally, if Rav Munk made use of the Saint-Ouen Railway Bridge, he would not have claimed that the Seine only covered a small section of the northern side of Paris when in fact this bridge crossed the river at the midway point of the northern side of the city. Furthermore, Rav Munk seems to have been referring to a railway that was continuous and enclosed the entire north side of Paris and not a combination of disparate parts of a railroad [such as the La Plaine to Ermont - Eaubonne as far as the gare de Paris-Nord, whose trunk line links to the Petite Ceinture Rive Droite running east].

An additional possibility is that Rav Munk was suggesting the Saint-Ouen Railway Bridge [Map D.8], but instead of using the La Plaine to Ermont - Eaubonne line [Map D.9] which arced east, he made use of the Épinettes connection [Map D.12: cyan line], which traveled south and connected directly to the Petite Ceinture [Map D.5: yellow line]. While this course would omit some of the below ground tunnels and covered trenches of the Petite Ceinture Rive Droite, there were additional tunnels (Saint-Ouen [Map D.13]) and trenches that Rav Munk would have had to contend with. Even though this possibility would have included a larger continuous segment of the Petite Ceinture Rive Droite enclosing the northern side of Paris than the La Plaine to Ermont - Eaubonne line, the Épinettes connection, nevertheless, did not cover the entire northern side of Paris as the Petite Ceinture Rive Droite railroad commencing from the Asnières Railway Bridge would have. Furthermore, using the Épinettes connection would be contrary to Rav Munk's assertion as this line made use of more than a small segment of the Seine as the northern *mechitzah*.

It is also somewhat puzzling why Rav Munk, in his query written in 1937, seems to be referring to a prevailing railway when in fact, after 1934, the passenger service of the Petite Ceinture was suspended. He probably considered the line as being current since the Petite Ceinture structures were extant at the time of his query, and it remained open for inter-network and local freight trains for many years later. However, his wording would follow more closely to the La Plaine to Ermont – Eaubonne line since it was in use at the time he wrote his query.

on the east side there was an elevated embankment upon which a railroad traveled, that commenced from the southeast corner of the Seine [Map D.14][91] and ran up a third or more of the east side of the city [Map D.15: green line].[92] After which, until the northeast corner of the city [Map D.6], there were some large [Map D.16.17][93] and small roads that needed rectification.[94] Rav Munk indicated that they would be able to rectify these breaches with the telegraph poles and wires, and thereby the city would be enclosed on its four sides.

Rav Munk submitted several concerns: The known issue of the wires running along the sides of the telegraph poles [*tzuras hapesach min ha'tzad*] which require rectification and the matter of the poles being more than three *tefachim* but less than ten *amos* away from the wall.

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91 It seems that, as the Petite Ceinture crossed the Pont National [Map D.14], it ran as a level crossing and only later became an elevated embankment/viaduct. However, there must have been gates that enclosed the level crossing, and Rav Munk could have relied on them.

92 This was the eastern section of the Petite Ceinture Rive Droite.

93 Some of the largest breaches on the east side of the city were the tunnels, Belleville [Map D.16] and Charonne/Sorbier/Ménilmontant [Map D.17]. Actually, it seems that the embankments/viaducts on the east side of Paris were more than a third of the length of the city.

94 If Rav Munk was making use of the Petite Ceinture Rive Droite [Map D.5: yellow line] at the northeastern corner of the city [Map D.6], it did, in fact, run on embankments/viaducts. Hence, it is unclear what Rav Munk was referring to. If Rav Munk was utilizing the La Plaine to Ermont - Eaubonne line [Map D.9: red line] for the northern mechitzah, he would have needed to use the Paris North Station trunk line [Map D.11: brown line] to link to the Petite Ceinture Rive Droite [Map D.5] on the eastern side of Paris. Therefore, since the city of Paris continued eastward after the Paris North Station's trunk line, he would have needed to utilize a section of the Petite Ceinture Rive Droite to enclose the remainder of the northern side, which was on an embankment. In any case, the Paris North Station trunk line mostly ran on raised tracks and embankments/viaducts.

Furthermore, it is not certain how Rav Munk dealt with the other breach in the railway embankments, the Canal de l'Ourcq [Map D.18]. It is conceivable that Rav Munk maintained that the railroad bridges which crossed the canal were classified as *tzuras hapesachim*. [In order for the bridges to have been classified as sufficient *tzuras hapesachim*, there are numerous halachic issues that would have needed to be satisfied. Additionally, the Canal quays may not have been sufficient *mechitzos*.]

The main issue Rav Munk grappled with concerned the bridges that spanned the river Seine.[95] These bridges were not sealed by any form of *tzuras hapesachim* or by a *tel hamislaket*; they only had tall [street] candelabras to light them at night. However, beneath the high *mechitzos* [high quays] there were low *mechitzos* [low quays] running along the entire riverbank,[96] even under the bridges. These low quays were utilized as a place to dock the ships that traveled the river charging and discharging their wares. It was common for the sailors, fishermen, and passengers to traverse therein. The low quays themselves were employed as a walkway, and below the bridges, they were continuously utilized in the summer and winter by the vagrants as a place to sleep.

Rav Munk continued that, in his opinion, these walls are not invalid on account of the bridges spanning them since the low quays are *mechitzos nikeres*.[97] This is evident by the fact that they use a ladder [stairway] to descend from the bridges to the low quays. The only reason to invalidate the bridges, he argues, is if the principle of *gud asik* of the *mechitzos* beneath them could not be employed (see *Chasam Sofer, O.C. siman* 89). However, Rav Munk counters, it is implied by the Gemara and *Tosafos* (*Eruvin* 96b) that they could employ *gud asik mechitzos* if the *mechitzos* are visible, and the *Shulchan Aruch* (*siman* 345) and *Magen Avraham* (*siman* 345:4, and the end of *siman* 356) concur that this is the halachah. Thus, Rav Munk argues that the *mechitzos* are not invalidated by the bridges since the low quays are visible, even from the side, to those standing on the bridge.[98]

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95 At the time Rav Munk wrote his query, there were 39 bridges crossing the Seine in Paris and its communes, starting from the Pont National [Map D.14] at the southeastern side of the Seine, and concluding on the northern side with the Asnières Railway Bridge [Map D.4]. If Rav Munk was using the Saint-Ouen Railway Bridge [Map D.8] as the end point of the Seine's *mechitzos* on the northern side of Paris, we can add four additional bridges (see Introduction, note 32).

96 See the following note as to why Rav Munk proposed that they make use of the low quays for *mechitzos* and not the high quays.

97 The bridges spanning the Seine actually rested on the high quays. Hence, the high quays directly under the bridges would not have been visible to those traversing them. On the other hand, Rav Munk argued that the low quays were visible to those on the bridge.

98 While Rav Munk did not write so explicitly, in essence, he was proposing that, once the riverbanks were not invalidated by the bridges, they could use the principle of *gud asik* of the riverbanks to seal the bridges above them. The reason Rav Munk

Rav Munk concluded by saying that, in any event, he wanted Rav Hertzog's esteemed opinion on the matter.

◆ The Achiezer's Response

While we do not know if Rav Hertzog answered Rav Munk's query, on August 26, 1938, Rav Chaim Ozer Grodzinski, the *Achiezer*, responded[99] to Rav Munk.[100] Although we do not have Rav Munk's query to the *Achiezer*, as we shall see, it must have been nearly identical to the one that Rav Munk sent to Rav Hertzog since the *Achiezer's teshuvah* on the matter precisely follows Rav Munk's line of questioning to Rav Hertzog.

The *Achiezer* wrote to Rav Munk that, at first, he did not want to involve himself in the matter of the Paris Eruv since he was of ill health. However, since Rav Munk pleaded with him, he discussed the matter with one of the great rabbanim of his city who is the overseer of the Vilna Eruv [Rav Chanoch Henoch Neviazhsky][101] and with the *Chazon Ish*.[102]

Continuing with his *teshuvah*, the *Achiezer* informed Rav Munk what they had determined regarding the matter:

> Paris is definitely a *reshus ha'rabbim me'd'Oraysa* since it contains *shishim ribo* traversing therein even though not every thoroughfare includes *shishim ribo*, just as Yerushalayim and Mechuzah did not have *shishim ribo*

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made this suggestion was because he had no alternative method to seal the bridges (see the subheading, "The *Mechitzos* Encompassing Paris," and the heading, "*Why the Proposal for the Paris Eruv was Never Realized*").

99 *Hamaor*, vol. 13 no. 3, January 1962, pp. 21-22; *HaPardes*, vol. 36 no. 4, January 1962, pp. 10-11; *Divrei Menachem, O.C.* vol. 2, pp. 39-40, and *Achiezer*, 4:8.

100 Rav Menachem Kasher related (*Hamaor*, vol. 13 no. 3, January 1962, p. 21 note 2; *HaPardes*, vol. 36 no. 4, January 1962, p. 17 note 2, and *Divrei Menachem, O.C.* vol. 2, p. 39 note 2) that he was given this letter of the *Achiezer* by Rav Shimon Langer who was originally a rav in Paris. Rav Langer mentioned that he received the letter from Rav Munk.

101 Rav Kasher related (*Hamaor*, vol. 13 no. 3, January 1962, p. 21 note 1; *HaPardes*, vol. 36 no. 4, January 1962, p. 17 note 1, and *Divrei Menachem, O.C.* vol. 2, p. 39 note 3) that the *mashgiach* of the *eruv* in Vilna in 1938 was Rav Chanoch Henoch Neviazhsky, who was one of the Gedolei Yisroel and was known as an expert on *hilchos eruvin*.

102 In *Kovetz Igros Chazon Ish* (Vol. 3, p. 187), there is a letter, dated August 3, 1938, from the *Achiezer* to the *Chazon Ish* thanking him for looking into the matter of the Paris Eruv.

traversing all of its roads.[103] The *Achiezer* argued that to rely on the lone opinion of the *Or Zarua* that two *mechitzos* are sufficient for a *reshus harabbim* was not accepted by the *Shulchan Aruch* and the *poskim*.[104] In fact, he declared, we follow the Rabbanan who maintain that in a situation of only two *mechitzos, asu rabbim umevatlei mechitzta*. The *Achiezer* added that he subsequently noticed that the *Bais Ephraim* (*O.C. siman* 26) questioned the reliance on the *Or Zarua* and classified Paris as a *reshus harabbim min haTorah* as well.[105]

However, the *Achiezer* submitted that since Rav Munk detailed that Paris was encompassed by three *mechitzos* and on the fourth side there is a *mechitzah* going up approximately a third of the way,[106] Paris would not be classified as a *reshus harabbim min haTorah* according to all opinions. Even though the bridges engender many breaches that are more than ten *amos* wide in the *mechitzos*, the *Achiezer* argued that this is only a rabbinical proscription since the *mechitzos* are *omed merubeh al haparutz*, and, therefore, can be rectified with *tzuras hapesachim*.

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[103] See the subheading, "The Criterion of *Shishim Ribo*."

[104] The prominent *posek* Rav Fishel Hershkowitz, argued that the *Or Zarua's* opinion was not established until it was published in 1862. Hence, it was not cited by the *Shulchan Aruch* and many *poskim*. Moreover, he noted that the *Or Zarua* was not the only *Rishon* who maintained that two *mechitzos* are sufficient for a *reshus harabbim*; the *Mahrach Or Zarua* (*Piskei, Eruvin Perek* 2, *ois* 57) and the *Ramak* (*Hagaos Ashri*, 20b ois 6) agreed with the *Or Zarua* that two *mechitzos* are adequate. Furthermore, there are *poskim* who cite the *Or Zarua* (at least as a *snif l'hakel*) such as the *She'eilas Yaavetz* (*siman* 7), *Aishel Avraham* (*siman* 345), and the above mentioned Rav Shlomo Dovid Kahane.

[105] This statement from the *Achiezer* is puzzling. The *Bais Ephraim* clearly assumes that they did not need to rely on the criterion of *shishim ribo* in large cities such as Paris since they could depend on the criterion of *mefulash u'mechavanim* and that the streets were not sixteen *amos* wide. Thus, the *Bais Ephraim* was arguing that even with a population of *shishim ribo*, Paris would not be classified as a *reshus harabbim*. As a matter of fact, Rav Kasher (*Hamaor*, vol. 13 no. 3, January 1962, p. 23; *HaPardes*, vol. 36 no. 4, January 1962, p. 12, and *Divrei Menachem, O.C.* vol. 2, p. 40) believed that the text of the *Achiezer's teshuvah* should be amended to read that the *Bais Ephraim* maintained that Paris was **not** classified as a *reshus harabbim*. However, since we have the (identical) query to the *Achiezer* from Rav Munk, this issue can easily be resolved; see the subheading, "The Criterion of *Shishim Ribo*." Minor typos in the *teshuvah* have been corrected in the summary.

[106] See the heading, "*Epilogue*," as to the benefit of this third of a *mechitzah* on the fourth side.

The *Achiezer* then stated that since the *mechitzos* of the river are *b'y'dai shomayim,* they are inadequate *mechitzos* according to *Tosafos* (*Eruvin* 32). He affirms that, even if one were to argue that *mechitzos b'y'dai shomayim* are inferior only on a rabbinical level according to *Tosafos,* nevertheless, [in order to allow carrying] one could not rely on these *mechitzos* since, *me'd'rabbanan,* all their breaches would need to be rectified with *tzuras hapesachim* for the *mechitzos* to be viable.

It is not sufficient, argued the *Achiezer,* that below the river's *mechitza* there is a minor *mechitza.* He expounded that, as Rav Munk mentioned, the reason why a river's *mechitzos* is permissible is because they could employ *gud asik mechitzos.* However, if the *mechitzos* are not visible, they could not make use of this precept as stated in the *Shulchan Aruch* 345:16 and 374. The fact that the *mechitzos* are visible beneath the bridges is irrelevant as this would be no different than a tunnel running below ground in which case *gud asik mechitzos* would not be a viable principle.[107]

However, the *Achiezer* argued that they could rely on the *Ramban* and *Ritva* who maintain that areas which are commonly encompassed are classified as *mechitzos nikeres,* even those that are *b'y'dai shomayim.* He continues that the *Chazon Ish* in *Hilchos Eruvin* 43:1 [and 44:11] similarly

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[107] The *Achiezer's* main concern was the viability of *mechitzos b'y'dai shomayim* that are not visible. As we shall see, Rav Munk's suggestion that the breaches above the bridges should be classified as sealed through *gud asik* of the *mechitzos* beneath them was not entertained by the *Achiezer* at all (see note 110).

An additional issue that could have been explored is that some *poskim* maintain that, if the bridges pass over the *mechitzos* but do not breach the *mechitzos* themselves, the *mechitzos* are not nullified (see *Maharsham,* 4:71, and *Divrei Malkiel,* 3:14; those *poskim* who posit otherwise could be referring to situations where the bridges breach the *mechitzos* themselves). This could have been a mitigating argument as Rav Munk was making use of the low quays which were not breached by the bridges. However, since Rav Munk did not indicate that the low quays were intact, the *Achiezer* did not explore this argument.

Additionally, as proposed by Rav Munk, the *Shaarei Tzion* (*siman* 4-5) maintains that *gud asik* of the *mechitzos* below the bridges would suffice on the bridges (see the *Bais Av,* 2:4, and the *Chazon Ish, siman* 108, who have an extensive rebuttal regarding this issue). However, even those *poskim* who would agree maintain that *me'd'rabbanan tzuras hapesachim* would be required to close the breaches.

maintains that, once the area was previously walled, it is perceived as an area that currently retains *mechitzos*.[108]

The *Achiezer* advanced another supporting argument: although large cities commonly raise the banks of their rivers so that they should not flood the city, in Paris, they would have had to considerably raise the Seine's banks as the ships and boats dock on the river. The *Achiezer* argued that, because of this practice, there is no doubt that the original natural *mechitzos* are superseded by the man-made *mechitzos*.[109] However, he asserted, it is necessary to clarify if the banks were built-up along the entire river front.

Finally, the *Achiezer* advised that Rav Munk rectify the bridges with *tzuras hapesachim*.[110] This, he allowed, can be employed through telegraph wires,[111] which are halachically adequate and are not classified as *tzuras hapesach min ha'tzad*. He then suggested that Rav Munk should consult with the rabbanim of the city. The *Achiezer* concluded his *teshuvah* asserting that they [the *Achiezer*, the *Chazon Ish* and Rav Neviazhsky] agreed with Rav Munk l'halachah.

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[108] In essence, the *Achiezer* maintains that as long as the *Ramban* and *Ritva are satisfied*, even in a situation of *mechitzos b'y'dai shomayim*, he would *pasken lo asu rabbim*. [The following *poskim* agree with the *Achiezer*: *Tikkun Eruvin Krakow*; *Maharsham*, 9:18; *Harei B'samim*, 5:73, and *Eruv V'Hotzaah*; today, since we are privy to the *Tosfos Rosh* (*Eruvin* 22b), there is no doubt that they are correct].

[109] It seems that the *Achiezer* would agree with the *Bais Ephraim* (*siman* 26, p. 40a) that in a situation of *mechitzos b'y'dai adam*, even for an extremely large city which is not commonly encompassed, the *Ramban* and *Ritva do not need to be relied upon*.

[110] The fact that the *Achiezer* instructed that the bridges be rectified with *tzuras hapesachim* indicates that he did not accept Rav Munk's suggestion that *gud asik* of the *mechitzos* below the bridges would suffice on the bridges (see note 107).

[111] There seems to be some misunderstanding, since the *Achiezer* assumed that there were telegraph wires and poles on the bridges; see the heading, "*Why the Proposal for the Paris Eruv was Never Realized.*"

SECTION THREE:

Analysis and Epilogue

SECTION THREE
ANALYSIS AND EPILOGUE

ANALYSIS OF THE NON-HALACHIC ISSUES

Dr. Alexander Klein wrote, "After the passing of Rav Weisskopf (1936), Rav Elie Munk was appointed rabbi of the congregation in 1937. One of the first rulings handed down by Rav Munk was the disqualification of the *eruv* as a result of the demolition of the wall. Some members of the congregation criticized the young rabbi who allowed himself to prohibit what his predecessors permitted." Apparently, the members of the congregation argued that Rav Weisskopf allowed them to carry even after the demolition of the Thiers Enceinte in 1919.

The question is, what enclosure were they relying on to allow carrying on Shabbos in Paris? One possibility is what Rav Bronspiegel mentioned, that those who carried argued that Paris was encompassed by four *mechitzos*. Additionally, Rav Hamburger also detailed some rationalization as to why some believed that it was permitted to carry in Paris on Shabbos.[112]

However, it is uncertain how many Jews actually relied on these additional rationales to allow carrying on Shabbos in Paris. Magistrate Kohn claimed that many Jews carried on Shabbos in Paris, but Rav Bronspiegel alleges that all the Jews of Paris carried. Although, from a query[113] directed to Rav Shimshon Altman (1894-killed in the Holocaust), it is discernable that people only carried in times of great need.

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[112] While Rav Hamburger mentioned that some argued that no rectification was needed in Paris, he did not write that they acted on their claim and actually carried on Shabbos.

[113] *Shiboles Hanahar, siman* 10.

Rav Altman was asked a question regarding the pious Jews of Paris who justified carrying a visa on Shabbos since the government required it to be on one's person at all times. If one was not able to proffer their papers, they could be imprisoned until their status was clarified. Rav Altman answered on July 14, 1937, that it was not regarded as *pikuach nefesh*, and that since Paris has large thoroughfares that are more than sixteen *amos* wide which are traversed by *shishim ribo*, the city would be classified as a *reshus harabbim*. Therefore, he could not perceive any justification to carry visas on Shabbos.

According to this narrative, which was written after the *mechitzos* were dismantled, we can discern that people only carried in times of great need.

ANALYSIS OF THE HALACHIC ISSUES

The centrality of the Paris Eruv rests entirely on the fact that it was an exceptionally large city, which could have been classified as a *reshus harabbim*. We will explore the criteria of *shishim ribo*, *mefulash u'mechavanim m'shaar l'shaar*, and the *mechitzos* encompassing the city in regards to the potential designation of Paris as a *reshus harabbim*.

• The Criterion of *Shishim Ribo*

In the time of the *Achiezer*, the area that was encompassed by the proposed *eruv* for the Right Bank of Paris delimited a population greater than two million.[114]

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[114] It is of interest to note, Rav Moshe Feinstein argued that the fact that there was an *eruv* in Warsaw does not contradict his understanding of the criterion of *shishim ribo* since the city did not contain a population of greater than three million (*Igros Moshe, O.C.* 5:28:5). The fact that the Right Bank of Paris did not contain a population of three million would not controvert Rav Moshe's *shitos* as well.

However, Rav Moshe posited (ibid., 4:88) that, even if a large city's population is less than three million, an *eruv* should not be established since one may think that there is *shishim ribo* over a twelve *mil* by twelve *mil* area [the size of the *diglei hamidbar*]. Consequentially, even after Rav Moshe was told that the total population of Brooklyn was somewhat less than three million, he argued that an *eruv* should not be established because of this *gezeirah*. Rav Moshe declared the same regarding Detroit (ibid., 5:29), a city with a population of approximately 1.2 million [in 1980, when the *teshuvah* was written]. Despite the fact that the population was only 1.2 million, Rav Moshe maintained that an *eruv* should not be established for the city of Detroit proper because of this *gezeirah* [as opposed to the two small neighborhoods in Detroit where he did allow]. Hence, because one may

Some have argued that since Paris, at the time of the *Bais Ephraim*, had a population of barely *shishim ribo* and he believed that regarding this principle the city would be classified as a *reshus harabbim*, there is no doubt that he maintained that the criterion is conditional of the city.

However, this ignores the *Bais Ephraim's* entire *teshuvah* where he continuously refers to the criterion of *shishim ribo* as being conditional of the street.[115] In fact, in the same paragraph where the *Bais Ephraim* posits that Paris contained *shishim ribo*, he cites the query posed to the *Chacham Tzvi*[116] stating that the *sratyas* and *platyas* of England possibly had *shishim ribo* traversing them, which was referring to single thoroughfares. Hence, when the *Bais Ephraim* mentions that some large cities, such as Paris, contain *shishim ribo*, he was not implying that the entire city is classified as a *reshus harabbim*, but only that, in a city containing *shishim ribo*, its large thoroughfares could be assessed as such.

Actually, the *Shiboles Hanahar* cites this *Bais Ephraim* regarding Paris and declares that there were definitely thoroughfares in the city that contained *shishim ribo*. Hence, he argues that it would be difficult to determine in which streets one would be allowed to carry [without an *eruv*] through the principle of *shevus deshevus* since on some streets carrying would be prohibited on a *d'Oraysa* level. The *Minchas Elazar*[117] and *Yaskil Avdei*[118] both state that only

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think that Paris fulfilled the criterion of *shishim ribo*, Rav Moshe possibly would not have agreed to an *eruv* there.

In any case, even according to Rav Moshe, the fact that Paris was encompassed by *mechitzos* would have mitigated the possibility that it may have been a *reshus harabbim*.

115 Beside the fact that the *Bais Ephraim*, when referring to the criterion of *shishim ribo*, continuously indicates a street (e.g. *siman* 26, p. 47a-b), the *Maharsham* (3:188) and *Minchas Yitzchak* (8:32) clearly understood the *Bais Ephraim's* approach as being that *shishim ribo* would need to traverse the street itself in order for the street to be classified as a *reshus harabbim* [the only question regarding the *Bais Ephraim's* position was whether the requirement of *shishim ribo* traversing the street is every day or would on most days suffice].

116 *Siman* 37.

117 Vol. 3, *siman* 4. A careful reading of the *Minchas Elazar's teshuvah* indicates that he also assumed that the *Bais Ephraim's* statement regarding large cities was only referring to the major thoroughfares, and not the entire city.

118 Vol. 2 *Kuntres Achron*, *siman* 6, (1933).

those major thoroughfares in Paris that contained *shishim ribo* were classified as a *reshus harabbim* and not the entire city.[119]

Following this, we need to analyze the most quoted part of the *Achiezer's teshuvah*, his assertion that Paris is definitely a *reshus ha'rabbim me'd'Oraysa*, since it contains *shishim ribo* traversing therein. Many people make use of the good name of the *Achiezer* arguing that it is evident that he maintains that the criterion of *shishim ribo* is conditional of a city. However, they are incorrect and are not reading the *Achiezer* correctly.

> The *Achiezer* writes: Paris is definitely a *reshus ha'rabbim me'd'Oraysa* since it contains *shishim ribo* traversing therein even though not every thoroughfare includes *shishim ribo*, just as Yerushalayim and Mechuzah did not have *shishim ribo* traversing all of their roads.

A close reading reveals that the *Achiezer* necessitates at least some thoroughfares that would need to fulfill the requirement of *shishim ribo* traversing them, and only then would the connecting roads of the entire city be classified as a *reshus harabbim*. Therefore, it is incorrect to assert that the *Achiezer's* position regarding *shishim ribo* is conditional of a city and not a road since at least some thoroughfares would be required to have *shishim ribo* traversing it. [This is similar to the rulings of the *Aishel Avraham, O.C.* 345; *Bais Av*, 2:5:2:4, and *Mishneh Sachir*, 2:78, who maintain that once a city's major thoroughfares contain *shishim ribo* traversing it, the interconnecting roads are classified as a *reshus harabbim* as well.[120]]

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[119] Rav Chaim Libush Horowitz (1851-1904; a biography of Rav Horowitz will be included in the author's monograph on the Krakow Eruv), in *Kovetz Ohel Moed* (*Choveres* 2, *Kuntres* 4, *siman* 73, Tishrei 5659 - 1898), writes about the issue of large cities, including Paris, containing a population of much more than *shishim ribo* and which can possibly be classified as a *reshus harabbim*. The main thrust of his argument concerns the composition of those included in the criterion of *shishim ribo*; are non-Jews included or not. However, at the conclusion of the letter, Rav Horowitz cites *Rashi* (*Eruvin* 96b) that only *Machnah Levia* was classified as a *reshus harabbim* since there was *shishim ribo* present by Moshe Rabeinu. Therefore, he posits that they would need to be congregated in one place to fulfill the criterion of *shishim ribo*, as it was in *Machnah Levia*. It follows that Rav Horowitz, like the *poskim* mentioned above, was under the impression that the major streets of these large cities had *shishim ribo* traversing therein, and, therefore, were classified as a *reshus harabbim*.

[120] Rav Elyakim Schlesinger, in *Yalkut Michtavim*, 2003, p. 184, and in his *Bais Av, Likutim* 2, p. 431, makes a similar argument.

• The Criterion of Mefulash U'mechavanim M'shaar L'shaar

The *Bais Ephraim* maintained that even if a city such as Paris fulfilled the criterion of *shishim ribo,* it would not be classified as a *reshus harabbim* since it did not meet the other criteria such as *mefulash u'mechavanim.* Rav Kahane clearly subscribed to the same argument of the Bais *Ephraim* in his famous *teshuvah* to Rav Shochetman of Paris, where he outlined his contention that large cities, including Paris, do not fulfill the criterion of *mefulash u'mechavanim m'shaar l'shaar.*

Rav Hamburger contemplated Rav Kahane's argument and was possibly aware of Rav Kahane's *teshuvah* when he declared that it is not a given that the city of Paris is classified as a *reshus harabbim* as the city gates are not aligned, *mefulash u'mechavanim m'shaar l'shaar.* Additionally, he contends that since the city was encompassed by railroads which ran on elevated tracks above the thoroughfares and formed *tzuras hapesachim* over some roads, the roads, in turn, can be perceived as not being *mefulash.*[121]

However, Rav Munk accepts it as a given that Paris fulfills all the criteria of a *reshus harabbim,* including *mefulash u'mechavanim m'shaar l'shaar.* This leads us to what Rav Kasher wrote,[122] that he was puzzled as to why the *Achiezer* did not make use of the criterion of *mefulash u'mechavanim m'shaar l'shaar.*[123] Furthermore, why did the *Achiezer* selectively cite the *Bais Ephraim* regarding Paris fulfilling the criterion of *shishim ribo* but omit the *Bais Ephraim's* declaration that Paris is nevertheless not classified as a *reshus harabbim,* since it did not fulfill the additional criterion of *mefulash u'mechavanim*?

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[121] See note 81.

[122] *Hamaor,* vol. 13 no. 3, January 1962, p. 23; *HaPardes,* vol. 36 no. 4, January 1962, pp. 12-13, and *Divrei Menachem, O.C.* vol. 2, p. 41.

[123] Rav Kasher posits that the criterion of *mefulash u'mechavanim* must have been the main rationale for the *Achiezer* permitting an *eruv* for Paris. He also adds the *Chazon Ish's heter,* see note 134. Otherwise, he opines, the city would have been classified as a *reshus harabbim* [of *shishim ribo*] and only closing the gaps with doors would have been sufficient and not *tzuras hapesachim.* This is missing the point (see also note 105). The *Achiezer* was making use of the three *mechitzos* that encompassed the entire Right Bank of Paris, and he upheld *lo asu rabbim u'mevatlei mechitzta* and that *pirtzos esser* is only a rabbinical proscription. It follows that he maintained that even if there was a *reshus harabbim* [of *shishim ribo*] contained within the *mechitzos* of Paris, there was no need for doors to close the breaches; *tzuras hapesachim* would suffice. Rav Hamburger seemed to have conflated this issue, as well (see note 81).

Until recently, these perplexities had no definitive answer. However, now that we have the query to the *Achiezer* from Rav Munk, we see that he argued that Paris fulfilled all criteria of a *reshus harabbim* listed in the *Shulchan Aruch* (345:7) including *mefulash u'mechavanim*. Hence, the *Achiezer*, who did not live in Paris and was working with the facts submitted by Rav Munk, would not have argued that Paris was not classified as a *reshus harabbim* since its roads were not *mefulash u'mechavanim m'shaar l'shaar*. Additionally, the *Achiezer* did not mention the *Bais Ephraim's* other arguments, such as *mefulash u'mechavanim*, since Rav Munk had declared that Paris fulfilled all the criteria of a *reshus harabbim*.

This leaves the question as to why Rav Munk believed that Paris fulfilled the criterion of *mefulash u'mechavanim*. While it is possible that Rav Munk did not see the *Bais Ephraim's* or Rav Kahane's position regarding Paris and the criterion of *mefulash u'mechavanim*, it is nevertheless unclear why Rav Munk declared with such surety that Paris fulfills all the criteria of *reshus harabbim*, which includes *mefulash u'mechavanim*. In the same vein, the *Shiboles Hanahar*, after mentioning that the *Bais Ephraim* declared that Paris was not classified as a *reshus harabbim* since it did not meet the criterion of *mefulash u'mechavanim*, assumed that most roads in Paris were in fact *mefulash u'mechavanim*. Unfortunately, the *Shiboles Hanahar* and Rav Munk did not expound on their assertions.

The only reasonable argument[124] as to why they did not make use of this criterion is that, at the time, some roads in Paris could have been classified as *platyas*, and according to some *poskim*, [if they exit out of the city limits] they are inherently a *reshus harabbim* [if they are not encompassed be *mechitzos*] even if they do not fulfill the criterion of *mefulash u'mechavanim*. Additionally,

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[124] Some might argue that these rabbanim maintained that *mefulash u'mechavanim m'shaar l'shaar* does not imply literally straight from gateway to gateway. Thus, since Paris had many such straight streets, it fulfilled the criterion of *mefulash u'mechavanim*. This, however, is incorrect. The only argument made by [contemporary] *poskim* of repute regarding the criterion of *mefulash u'mechavanim m'shaar l'shaar* is if it is conditional of *mechitzos*. No reputable *posek* would argue that *mefulash u'mechavanim m'shaar l'shaar* can imply anything but literally straight from gateway to gateway. There is no other definition of the word *mechavanim*, but literally straight. In fact, we do not need to look further than those *poskim* who uphold that the criteria of *mefulash u'mechavanim* is conditional of *mechitzos*. Even they maintain that, when *mechitzos* encompass an area, the roads would need to be literally straight from gateway to gateway.

those thoroughfares that were *mefulash u'mechavanim* through the city limits on one end and to the *platyas* in the city on the other end could also be classified as a *reshus harabbim*. Therefore, even if there weren't many *platyas* in Paris, they would nevertheless need to be excluded from an *eruv* consisting of *tzuras hapesachim*. Consequently, as Rav Hamburger and Rav Munk indicated, erecting *tzuras hapesachim* was not an option in Paris; *mechitzos*, which were extant, were the only way to go. Hence, the *Shiboles Hanahar*[125] and Rav Munk could have maintained that Paris could not make use of the criterion of *mefulash u'mechavanim* because of the issue of *platyas*.[126]

• The Mechitzos Encompassing Paris

As mentioned previously, as long as there were Jews in Paris, it is probable that they made use of the varying enceintes which encompassed Paris over disparate time periods as *mechitzos* to allow carrying on Shabbos.[127] After the Thiers Enceinte was erected, there is documented proof that Paris's Jews utilized the enceinte to allow carrying on Shabbos. With the Thiers Enceinte gone in 1919, alternative *mechitzos* needed to be identified.

As is discernable from Rav Bronspiegel, even after the enceinte was dismantled, some maintained that Paris was nonetheless encompassed by *mechitzos*. In 1937, Rav Hamburger proposed to Rav Hertzog that they could rely on *mechitzos* which encompassed Paris.[128] The only difficulty he had was that he needed to close the breaches, and since there was no chance that the

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[125] It is not clear why the *Shiboles Hanahar* declared that most roads were *mefulash u'mechuvanim* in Paris. It is possible that he maintained that, since many of the roads are connected to the *platyas*, most roads would be classified as *mefulash u'mechuvanim*, opening into a *reshus harabbim*.

[126] The criterion of *mefulash u'mechavanim* is often misunderstood. Since the following *Tosefta* is not clearly elucidated in the *Shulchan Aruch* (345:7), it is not fully incorporated into our understanding of the criterion. The Gemara (*Shabbos* 6a) cites a *Tosefta* which states that there are three areas that can be categorized as a *reshus harabbim* [if they meet all the criteria]: *Sratya*, An intercity road; *Platya*, Marketplace; and *Mavo'os HaMefulashim*, Alleyways that open into the *sratyas* and *platyas*. For a succinct description of how the *Shulchan Aruch* relates to the *Tosefta*, see the *Shulchan Aruch Harav*, 345:11. However, a full discussion regarding this *inyan* will have to wait for another time.

[127] For a list of all the possible enceintes, see the heading, "*The Precursor to the Paris Eruvin.*"

[128] See note 78.

government would allow the placement of *tzuras hapesachim*, he suggested that, through the principle of *lavud*, they employ string or wire to fashion doors that have the ability to close.

Rav Munk was more specific regarding the *mechitzos* he was suggesting; in his query to Rav Hertzog and the *Achiezer*, he proposed they use the quays of the river Seine and the railroad embankments.[129] On account of Rav Munk's suggestion, the *Achiezer* declared that the *mechitzos* rendered Paris a *reshus hayachid*, and therefore, *tzuras hapesachim* would suffice. Because of the *Achiezer's* stature, his sanction of *mechitzos* for a large city such as Paris and his argument that breaches in the *mechitzos* are only a rabbinical proscription, even though these rulings are not unique,[130] they are considered one of the most important decisions regarding large city *eruvin*.

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[129] However, see notes 90 and 94 where many uncertainties regarding which *mechitzos* Rav Munk was relying on are listed.

[130] Besides the *Achiezer*, the following is a (partial) list of the overwhelming majority of *poskim* who maintain *lo asu rabbim u'mevatlei mechitzta*: 1) *Chacham Tzvi, siman* 5, 37. 2) *Knesset Yechezkal, siman* 2:3. 3) *Mayim Rabim, siman* 34-36. 4) *Maharit Tzahalon, siman* 251. 5) *Tosfos Shabbos, siman* 363. 6) *Chavas Daas, Nachlas Yaakov, Eruvin*. 7) *Pri Megadim, Rosh Yoseph, Shabbos* 6b. 8) *Even HaOzer, Eruvin* 6b, 22a. 9) *She'eilas Yaavetz, siman* 7 and *Mor U'Ketziyah, siman* 363. 10) *Keren Oreh, Eruvin* 7a. 11) *Noda B'Yehudah, O.C. Mahadura Tinyana*, 42 and *Teshuvah M'Ahavah, siman* 112. 12) *Gaon Yaakov, Eruvin* 11a, 21a. 13) *Michtam L'David, siman* 1. 14) *Shulchan Aruch HaRav, O.C.* 363:42, 364:4 and *Kuntres Achron, O.C.* 345:2. 15) *Tiferes Tzvi, siman* 11. 16) *Bais Ephraim, O.C.* 26. 17) *HaEleph Lecha Shlomo, siman* 181. 18) *Aishel Avraham, siman* 345. 19) *Chai Adam, klal* 71:15 and *Nishmas Adam* 71:9. 20) *Chesed L'Avraham, siman* 39. 21) *Chasam Sofer, O.C.* 89. 22) *Maharham Shick, O.C.* 171, 181. 23) *Bais Shlomo, siman* 43, 51. 24) *Tzemach Tzedek, Shabbos* 100a and *Eruvin*, the end of *Perek* 5. 25) *Nefesh Chayah, siman* 25. 26) *Shaar HaZekeinim*, p. 116b. 27) *Chazon Nachum, siman* 36. 28) *Rabeinu Yosef M'Slutsk, siman* 11. 29) *Maharia HaLevi, siman* 94. 30) *Maharsham*, 3:188, 9:18. 31) *Yeshuos Malko, siman* 21. 32) *Sharei Tzion, siman* 4. 33) *Avnei Nezer, siman* 268:4, 276:1, 279:2. 34) *Harei B'samim*, 5:73. 35) *Imrei Yosher, siman* 102 and *Minchas Pitim, siman* 364. 36) *Kaf HaChaim, O.C.* 364:12. 37) *Divrei Malkiel*, 3:10, 14. 38) Rav Chaim Berlin in *Tikkun Shabbos Odessa*, p. 28 and in *Nishmas Chaim, siman* 29. 39) *Aruch HaShulchan, O.C.* 364:1. 40) *Even Yikrah, siman* 58. 41) *Chazon Ish, O.C.* 74:10, 107:4.

Additionally, all of the following *poskim* would agree with the *Achiezer* that *pirtzos esser* is only a rabbinical proscription; hence, *tzuras hapesachim* would suffice to close the breaches: 1) *Mabit* in *Kiryat Sefer, Shabbos Perek* 16. 2) *Pnei Yehoshua, Shabbos* 6a. 3) *Markeves HaMishna, Shabbos*, 14:1. 4) *Pri Megadim, Mishbetzes Zahav*, 363:1. 5) *Bais Meir, siman* 364. 6) *Shulchan Aruch HaRav, O.C.*

An additional issue that should be explored is that the *Achiezer* included in his decision making the *Chazon Ish* [and it is apparent from this *teshuvah* that he possessed the *Chazon Ish's sefer* on *eruvin*]; why then did he not make use of *mechitzos habatim*[131] to allow an *eruv* for Paris, as the *Chazon Ish* proposed[132] for large cities in general?

Now that we have the query from Rav Munk, we can propose a simple answer. Rav Munk wanted to enclose the entire Right Bank of Paris with an *eruv*, and he indicated which *mechitzos* would achieve this task. To complete the encirclement of Paris, Rav Munk specified that there are some gaps that needed to be closed with *tzuras hapesachim*, and this was no simple task as the government was not cooperative. Hence, why would the *Achiezer* have

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345:11. 7) *Zera Emes, Eruvin* 17. 8) *Rabeinu Yosef M'Slutsk, O.C.* 11. 9) *Bais Ephraim, O.C.* 26-27. 10) *Keren Oreh, Eruvin* 19b. 11) *Nefesh Chayah, Tikkun Eruvin* [Barnov], p. 30. 12) *Tiferes Tzvi, siman* 11. 13) *Tikkun Eruvin Krakow, teshuvah* 1. 14) *Avnei Nezer, O.C.* 265:13, 265:25, 276:1, 279:3. 15) *Toras Chesed*, see beginning of the *sefer Emek Yehoshua Achron*. 16) *Melamud Leho'il, siman* 68. 17) *Aruch HaShulchan, O.C.* 362:26. 18) *Chavatzeles HaSharon, O.C.* 19. 19) *Chazon Ish, O.C.* 107:5-8. 20) *Igros Moshe, O.C.* 2:89-90.

[131] Furthermore, the question is why Rav Munk and the *Achiezer* did not utilize *mechitzos habatim*, without employing the *Chazon Ish's chiddush*. In fact, *l'kol hadeios, batim* are no different than *mechitzos* (see for instance: *Mabit*, 1:48; *Magen Avraham*, 358:5; *Ginas V'radin, klal* 3:22; *Mayim Rabim, siman* 38, and the *Bais Ephraim, Teshuvos HaBach HaChadashos, siman* 3, p. 258). Most *poskim* uphold *lo asu rabbim u'mevatlei mechitzta* and that *pirtzos esser* is only a rabbinical proscription. Hence, *batim* are qualified as *mechitzos* when encompassing a *reshus harabbim* as well. The *Chazon Ish* (*O.C.* 74:10, 107:5-7) further extended the use of *mechitzos habatim* by adding a third element – that the *halachah* of *omed* creates a *mechitzah* (see the following note, 132).

[132] The *Chazon Ish* argues: Since, *me'd'Oraysa*, a break in an enclosure that is *omed merubeh* does not negate the enclosure when a street which continues through a city ends, either with houses or a dead end, the whole length of that street, flanked by *mechitzos habatim* on both sides and its dead end, would be considered *omed merubeh* on three sides, and *me'd'Oraysa*, a *reshus hayachid*. As a result, the intersections of that street, which are *pirtzos*, would halachically be termed *k'omed dami*, "closed". Consequently, all streets that run perpendicular through this street – which now has three *mechitzos* and halachically closed intersections – would in turn be encompassed by three *mechitzos* themselves, their own *mechitzos habatim* on both sides of the street and a third wall, the *omed* of the intersection. This creates a spiraling effect throughout the entire city. The *Chazon Ish* concludes that there rarely would be a *reshus harabbim* in large cities because we would always find one street that is enclosed by three walls.

suggested to use *mechitzos habatim* which would have required many more *tzuras hapesachim* to close the gaps between all the city blocks?[133] There is no doubt that Rav Munk's suggestion would have necessitated many fewer *tzuras hapesachim*.[134]

Additionally, there seems to have been some confusion regarding the quays of the River Seine. From the *Achiezer's teshuvah* it is apparent that he understood from Rav Munk's query that both the high and low quays were *mechitzos b'y'dai shomayim*. While Rav Munk did not elaborate on this matter, the fact is that both the high and low quays would have halachically been classified as *mechitzos b'y'dai adam,* since at that point in time the riverbanks were definitely rebuilt. In any case, the *Achiezer* concluded that the quays of the Seine would be classified as *mechitzos b'y'dai adam*. As he mentioned, it was common in large cities to raise the banks of their rivers so that it should not flood the city; this is especially the case in Paris, since the ships and boats dock on the river, they would have had to considerably raise its banks. Therefore, the *Achiezer* argued that because of this practice, there is no doubt that the original natural *mechitzos* were superseded by the man-made *mechitzos*.[135]

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[133] Additionally, to have utilized the *Chazon Ish's chiddush*, in order to enclose the entire Right Bank, the *Achiezer* would had to have known exactly the facts on the ground of the *mechitzos habatim* there. It is not a given that the *Chazon Ish's chiddush* would have facilitated an *eruv* for the entire Right Bank. It could very well be that on the outskirts of the eastern side of the city even the *Chazon Ish's chiddush* would not have been of much help.

[134] Rav Kasher argues (*Hamaor*, vol. 13 no. 3, January 1962, p. 23; *HaPardes*, vol. 36 no. 4, January 1962, p. 13, and *Divrei Menachem, O.C.* vol. 2, p. 41) that since the *Chazon Ish* also permitted the *eruv* in Paris, the *Achiezer* must have been relying on the *Chazon Ish's chiddush* as well. However, as mentioned above, there is no doubt that Rav Munk's suggestion would have necessitated many fewer *tzuras hapesachim* than would have been required if they were relying on the *Chazon Ish's chiddush*. Hence, the *Achiezer* and the *Chazon Ish* did not suggest the use of *mechitzos habatim*.

[135] Even though, in conclusion, the *Achiezer* agreed that the quays are considered *mechitzos b'y'dai adam*, nevertheless, it is hard not to think that the diversion regarding the efficacy of *mechitzos b'y'dai shomayim*, which are not *nikeres*, derailed the central issue, which was Rav Munk's suggestion that the principle of *gud asik* of the riverbanks would seal the bridges above them (see the heading, *"Why the Proposal for the Paris Eruv was Never Realized"*).

WHY THE PROPOSAL FOR THE PARIS ERUV WAS NEVER REALIZED

Even after the *Achiezer's teshuvah* was sent to Rav Munk, an *eruv* was not established in Paris; the question is why?

As mentioned previously, Rav Bronspiegel wrote that it was known in the family that when his father-in-law arrived in Paris in 1937, he witnessed that all residents of the city were carrying. Their argument was that Paris [at the time] was encompassed by four *mechitzos*. Rav Munk investigated the matter and concluded that, in fact, Paris was not enclosed halachically by four *mechitzos*.[136] He then informed the community that carrying was not permitted. Rav Bronspiegel added that Rav Munk observed that the public continued to carry on Shabbos. Not wanting to shoulder the responsibility himself, Rav Munk turned to the *Achiezer*, inquiring if there was any possibility to allow carrying in Paris since it was encompassed by three *mechitzos*. In such a situation, the *Achiezer* responded, it was permissible to establish an *eruv*. However, Rav Bronspiegel wrote that his father-in-law, in the interim, was able to convince the Jews of Paris not to carry, and, in fact, he never established an *eruv*.[137]

In essence, Rav Bronspiegel is arguing that an *eruv* for Paris l'halachah is tenuous; the only reason the *Achiezer* sanctioned the *eruv* was because it was a

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[136] This assertion by Rav Bronspiegel demonstrates that he was not apprised of the situation in Paris. If Rav Bronspiegel would have been privy to his father-in-law's concerns with the Paris Eruv, he would have known that his father-in-law proposed that they rely on the *Or Zarua,* that even two *mechitzos* would suffice. Furthermore, it is apparent that Rav Bronspiegel did not fully peruse the *Achiezer's* response to his father-in-law. To those who have actually learnt this *teshuvah*, it would be obvious that there is no difference l'halachah, according to the *Achiezer* [and most *poskim*], between three or four *mechitzos*.

[137] If this narrative has any validity at all, the probability is that the Paris community's argument was regarding the *heter* to carry and not regarding the issue if Paris would be classified as a *reshus harabbim*. Hence, they argued that Paris was enclosed on all four sides, and no rectification would be needed to allow carrying. As can be discerned from his query, that while Rav Munk was satisfied that there was no issue of *reshus harabbim* after he evaluated these *mechitzos*, he identified *pirtzos* that needed rectification. Thus, he appealed to Rav Hertzog and the *Achiezer* to seek a leniency in closing the breaches.

matter of extenuating circumstances, and thus it was only allowed *bedieved.*[138] Hence, Rav Munk sought to avoid establishing an *eruv* altogether.[139]

However, there is an alternative narrative. Rav Menachem Kasher related[140] that Rav Shimon Langer, who was originally a rav in Paris, provided the *teshuvah* of the *Achiezer* which he obtained from Rav Munk. Rav Langer added that, after Rav Munk received the *Achiezer's* decision, he sent a copy to all the rabbanim of Paris to inform them that, accordingly, carrying on Shabbos in Paris would only be permitted when the breaches were sealed with *tzuras hapesachim.* Insomuch as it is not possible to erect *tzuras hapesachim* to close the gaps, it was not permissible to carry in Paris at that time.

Rav Munk's query proves to be the undoing of Rav Bronspiegel allegation and demonstrates that Rav Langer's account is the one that is accurate. While Rav Munk mentioned that he can make use of the telegraph poles and wires to close the gaps of the *mechitzos* on the east side of Paris, he clearly indicated that there were no *tzuras hapesachim* on the bridges spanning the Seine. Subsequently, since it was impossible to erect tzuras *hapesachim* in Paris, in order to close the breaches of the bridges, Rav Munk sought to rely on the *mechitzos* beneath them through the principle of *gud asik.* However, the *Achiezer* recommended that Rav Munk close the gaps on the bridges with telegraph poles and wires and not rely on *gud asik* for the bridges. While it seems that there may have been a misunderstanding and the *Achiezer* was under the impression that there were telegraph poles on the bridges, clearly there was no possibility to erect *tzuras hapesachim* on the bridges; as Rav Langer argued, this was the reason why Rav Munk could not establish an *eruv.*

EPILOGUE

As we have already established, it was not possible to rectify the *pirtzos* of the bridges spanning the Seine prior to the World War II. From when Rav Munk returned to Paris after the war until he retired to New York in 1973, it does not

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[138] See more about this issue in the *Epilogue.*

[139] See also *Kovetz HaMesivta,* 2004, p. 360, where the author makes the same argument.

[140] *Hamaor,* vol. 13 no. 3, January 1962, p. 21 note 2; *HaPardes,* vol. 36 no. 4, January 1962, p. 17 note 2, and *Divrei Menachem, O.C.* vol. 2, p. 39 note 2.

seem that he was able to establish an *eruv* for the entire Right Bank of Paris.[141] It is likely that erecting *tzuras hapesachim* in Paris would have continued to have been an impossibility. It is also conceivable that the vociferous imbroglios[142] that ensued regarding large city *eruvin* did not embolden Rav Munk to seek one at all.[143]

The particulars of the Paris Eruv entail one of the most important accounts to be recorded regarding the history of large city *eruvin*, notably because the important *posek*, the *Achiezer*, sanctioned it. Hence, those who oppose large city *eruvin* today find a need to promulgate historical revisionism.

These are some of the recent arguments:

As mentioned above, Rav Bronspiegel claimed in 2001 that the *Achiezer* only sanctioned the *eruv bedieved* since people were carrying in Paris without one. Therefore, he argued that one cannot utilize the *Achiezer's heter* for other cities. However, Rav Munk never mentions in his query that it was a situation of extenuating circumstances, and this is why the *Achiezer* never mentions a word in his *teshuvah* that the *heter* is only *bedieved*. Moreover, the entire premise is based on a lack of knowledge. The fact that the *Achiezer* acknowledged that we *pasken lo asu rabbim u'mevatlei mechitzta* is not unique to him; the overwhelming majority of *poskim* concur. That he accepted that breaches of ten *amos* are only a rabbinical proscription, is not uncommon as well. In fact, the overwhelming majority of *poskim* do so, too. Thus, since there is no great innovation proposed by the *Achiezer* to sanction the *eruv* in Paris, this argument is specious. Furthermore, if the *Achiezer* was seeking *heterim* for Paris, why then did he not agree with Rav Munk that they can rely on the *Or Zarua*? Surely, in extenuating circumstances, the *Or Zarua* would

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[141] Certainly, some *eruvin* between courtyards have been established in Paris (see e.g., https://www.cairn.info/revue-ethnologie-francaise-2013-4-page-641.htm).

[142] The first controversy regarding *eruvin* after the war commenced in 1949 and concerned the Manhattan Eruv. Following Manhattan, a controversy developed in just about every large city [outside of Eretz Yisroel] that tried to establish an *eruv*.

[143] There may be an additional reason why Rav Munk did not pursue an *eruv* for Paris after the war. Unfortunately, not to carry even when an area is encompassed by an *eruv* became a matter of distinction for some who consider themselves ultra-Orthodox, believing that it is an issue that requires stringency.

suffice. Hence, it is incorrect to argue that the *Achiezer* only allowed an *eruv* in Paris *bedieved.*

An additional argument set forth is that the only reason the *Achiezer* allowed an *eruv* in Paris was because it was circumscribed on its perimeter by three *mechitzos* and a partial *mechitzah* on the fourth side. Since there was an additional third of a *mechitzah* on the fourth side, the proponents of this argument claim Paris was, in reality, enclosed with four *mechitzos.* Accordingly, the *Rambam* would agree that we *pasken lo asu rabbim u'mevatlei mechitzta.* However, with merely three *mechitzos omed merubeh al haparutz,* the *Achiezer* would not have allowed an *eruv* of *tzuras hapesachim* to close the gaps but only *delasos* since he would maintain that Paris would be classified as a *reshus harabbim.*[144] Now that we have the query of Rav Munk, there is no doubt that this is not a well-founded argument. Clearly, the only reason why Rav Munk mentioned that there is an additional third of a *mechitzah* is because there would be that much less to rectify with *tzuras hapesachim.*[145] Additionally, the *Achiezer* states clearly that three *mechitzos* are sufficient and never mentions that some *poskim* require a fourth one.

Some claim that the reason the *Achiezer* allowed an *eruv* for Paris is because he maintains that three *mechitzos omed merubeh al haparutz* are superior to *shem daled mechitzos.*[146] This argument is incorrect. No *posek* of stature maintains that there is a difference between *shem daled mechitzos* and three *mechitzos omed merubeh al haparutz* regarding the principle of *asu rabbim u'mevatlei mechitzta* and *pirtzos esser.*[147] In fact, the *Achiezer* mentions the *Bais Ephraim* in his *teshuvah,* and, hence, would know that the *Bais Ephraim* clearly

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[144] *Kovetz HaMesivta,* 2004, p. 360.

[145] Additionally, it is possible that the fourth side was *parutz merubeh al haomed,* in which case, we would say *asi avira d'hay gisa u'd'hay gisa u'mevatel lei;* thus, this third of a *mechitzah* would be of little value.

[146] See *The Laws of An Eruv,* p. 56 note 40.

[147] This is a difficult *inyan,* and the following will have to suffice for the time being. The *Chazon Ish* ultimately (see the end of 112:5 in the letters) cites *Rabeinu Yonasan* that, *me'd'Oraysa,* there is no *shiur pirtzah* in a situation of *shem daled mechitzos,* as well as *omed merubeh.* While there are some questions as to how the *Bais Ephraim* explains *omed merubeh* [these can all be explained away], this cannot change the fact that in the *Bais Ephraim's teshuvah* (*siman* 26) the second diagram clearly demonstrates that even in a situation of *omed merubeh* he maintains *lo asu rabbim.* [Some will cite Rav Aharon Kotler to counter this argument. However, in light of the second diagram, it is impossible to accept his understanding of the *Bais Ephraim.*]

maintains that we *pasken lo asu rabbim u'mevatlei mechitzta* in a situation of *shem daled mechitzos.*

Additionally, some declare that the reason the *Achiezer* allowed the bridges to be rectified with a *tzuras hapesach* was because the *pirtzos* were only ten *amos* wide, but if they were sixteen *amos*, he would require *delasos.*[148] This is fiction. If a *pirtza* of sixteen *amos* would have been of concern to the *Achiezer*, he would have mentioned that he allowed an *eruv* only because there were no *pirtzos* sixteen *amos* wide.[149] Most importantly, this assumption is not an issue at all since no one *paskens* that *pirtzos* of sixteen *amos* negate a *mechitzah me'd'Oraysa* because it is not a *shiur pirtza* only a *shiur reshus harabbim.*

Some even go so far and claim that since the *Chazon Ish* was involved in the Paris Eruv and the *Achiezer* did not employ his *chiddush*; they say it is evidence that the *Chazon Ish* himself retracted his *heter.*[150] This is totally unsubstantiated. Nowhere do we see in the *Chazon Ish's* writings that he retracted his *chiddush.* Moreover, the *Chazon Ish* employed his *chiddush* even after the proposed Paris Eruv in 1938. The *Chazon Ish* defends his *heter* in his correspondence with Rav Eliezer Palchinsky, and some of his [Rav Palchinsky's] letters are dated from 1945.[151] Furthermore, the *Chazon Ish's talmidim* currently uphold his *chiddush* which is proof that he did not retract at all.[152]

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148 *Kovetz HaMesivta*, 2004, p. 361.

149 In fact, most bridges spanning the Seine were/are wider than 16 *amos.*

150 *Kovetz Bais Yitzchok*, vol. 28 (1996), pp. 180-181.

151 See *Kovetz Sha'arei Limmud*, pp. 13, 66.

152 *Shoneh Halachos, siman* 363.

GLOSSARY

Asu rabbim umevatlei mechitzta	The multitudes negate the *mechitzos*
Delasos	Doors [a public domain cannot be closed by a *tzuras hapesach* but only with partitions and *delasos* (according to many *poskim* this requirement is *me'd'rabbanan*)]
Eruvei chatzeiros	The merging of two or more courtyards through the placement of bread/matzah in one of the enclosed houses
Gud asik	Halachically, a valid *mechitzah* extends upwards indefinitely
Karfeifos	An area that is not designated for human habitation
Lavud	Objects within three *tefachim* [handbreadths] of each other are halachically considered connected
Mechitzos	Walls/gates/partitions
Mechitzos b'y'dai adam	Man-made walls
Mechitzos b'y'dai shomayim	Natural walls
Mechitzos habatim	Walls consisting of houses
Mechitzos nikeres	Walls that are visible
Mefulash u'mechavanim me'shar le'shar	Open and aligned from gateway to gateway: A criterion of a public domain
Mikorah	Roofed: If an area is roofed it is not deemed a public domain
Mislaket asara mitoch arba	A gradient that rises ten *tefachim* [handbreadths] in the space of four *amos* [cubits]

Omed merubeh al haparutz	More partition than breaches
Pilush	Opening
Pirtzos	Breaches
Pirtzos esser	Breaches which are ten *amos* wide
Platyas	Marketplaces
Reshus harabbim	Public domain
Reshus hayachid	Private domain
Reshuyos	Domains
Sechiras reshus	The renting of the domains through the symbolic leasing of public and private areas from city officials
Shem daled mechitzos	An enclosure consisting of four two-sided posts of at least an *amah* [cubit] wide in each direction forming the corners of a square
Shishim ribo	Sixty myriads: A criterion of a public domain
Shevus deshevus	To engender room for leniency through combining an action that is forbidden only on a rabbinical level, which is completed (indirectly) through another rabbinical forbidden action
Sratyas	Intercity roads
Techum Shabbos	A limited physical area in which a Jew is permitted to walk on Shabbos and Yom Tovim
Tel hamislaket	A slope with an adequate halachic gradient
Tzuras hapesach	Literally, form of a doorway, comprising of two vertical posts capped by a bar or wire
Tzuras hapesach min ha'tzad	Wires that run along the sides of the posts [instead of on top]

לזכרון עולם יוחק בספר

נשמת הרב החסיד מקים עולה של תורה וחסידות

רבי ראובן צבי יהודה פייגעלשטאק ז"ל

נכד הגאונים וקדושים רעק"א והח"ס זי"ע

נלב"ע ט' כסלו תשפ"א

ונשמת זוגתו האשה החשובה וחסודה

רבות לבבות השיבה לצור קונם

מרת שרה אסתר ע"ה

שהלכה לעולמה ביום שמחת תורה תשע"ז

ת.נ.צ.ב.ה

הונצח ע"י נכדם ידידי וידיד כל בית ישראל
פטרון עירוב דברוקלין רבתי
הרב מנחם טוביהו שליט"א גרייזמאן
וזוגתו מנשים באוהל תבורך מרת הינדא יוכבד שתחי'

MAP

A

Title: Paris et ses environs - Paris en 1672. Fac-similé du premier plan de Jouvin de Rochefort.

Description: Atlas des Anciens plans de Paris. Loose leaf atlas of facsimile rare historical maps of Paris with explanatory text. Uses heliogravure process to create very detailed reproductions.

Date: 1672

Creator: Albert Jouvin de Rochefort

MAP

B

Title: Plan de la ville de Paris en 1789

Description: "Ce plan a été exécuté conformément de la décision prise par le Counseil Municipal de Paris dans sa séance du 30 décembre 1887." Based on "Le Plan d'Edme Verniquet (1789)". Includes table: "Distribution des 60 Districts attribúes aux XVI Quartiers de Paris ..." Border includes coat-of-arms for societies and orders and classical architecture.

Date: 1887

Creator: Conseil municipal (Paris)

MAP

C

Title: Paris et ses environs

Description: Paris and its surroundings

Dated: [1890] 1908

Source: Cartes et plans anciens - Open Data Hauts-de-Seine, Conseil départemental des Hauts-de-Seine

MAP

D

Title: Paris 1926

Description: Paris / drawn up and heliogravated by the Geographical service of the Army from work carried out in the field in 1901. - 1: 50,000. - [Paris]: Geographical service of the Army, 1906. - 1 map: in col.; 52.5 x 72.5 cm.

Date: 1926

Source: Cartes et plans anciens - Open Data Hauts-de-Seine, Conseil départemental des Hauts-de-Seine

MAP A

1 Location of one of the first shuls in Paris
2 Ile de la Cité
3 Rue de la Juiverie
4 Rue de la Harpe
5 Rue de la Vieille Juiverie
6 Jewish quarter
7 Petit Pont
8 Les Champeaux
9 Rue Saint-Bon
10 Rue de la Tacherie
11 Rue des Juifs on the Right Bank
12 Rue des Rosiers
13 Rue de la Tixéranderie
14 Impasse Saint-Faron
15 Rue de la Juiverie
16 Medieval Enceinte
17 Tour du Pot-au-Diable
18 Rue du Franc Mourier
19 Rue du Renard
20 Rue St-Merri
21 Rue des Lombards
22 Rue Quincampoix
23 Rue des Jardins
24 Rue de Judas
25 Enceinte Philippe Auguste
26 Enceinte Charles V
27 Charles V Enceinte connection to Philippe Auguste Enceinte
28 Fossés Jaunes
29 Rue Saint-Martin
30 Rue Saint-Denis
31 Boulevard Saint Germain
32 Rue Saint-André-des-Arts

MAP

B

1 Enceinte Fermiers Généraux
2 3rd Arrondissement
3 4th Arrondissement
4 Rue Brisemiche
5 Rue du Renard
6 Rue du Temple and rue de Montmorency
7 Rue St.-Martin
8 Rue des Blancs-Manteaux
9 Cemetery of St.-André-des-Arts
10 Rue Lamartine
11 Rue Sainte-Avoie
12 Rue Neuve St.-Laurent
13 Rue du Chaume
14 Rue des Vieilles- Étuves
15 Rue Geoffroy-l'Angevin
16 Grande Synagogue de la Victoire

Distribution des 60 Districts attribués aux XVI quartiers de Paris
d'après l'arrêté du Bureau de la Ville du 18 Avril 1789
(convocation des habitants du Tiers-Etat de la Ville et Faubourgs de Paris pour la nomination des Électeurs aux Etats Généraux)

POPULATION
D'APRÈS LE DÉNOMBREMENT DE 1784
620 000 Habitants

SUPERFICIE TERRITORIALE
DE PARIS EN 1789
3437 Hectares 90 Ares

LE PLAN
QUI A SERVI DE BASE À CE TRAVAIL
EST LE PLAN D'EDME VERNIQUET
(1789)
Réduit à l'Échelle de Un dix millième

MAP

C

1 Thiers Enceinte
2 Petite Ceinture Rive Droite Line
3 National Bridge
4 Auteuil Line
5 Saint-Lazare station
6 Courcelles connection
7 Petite Ceinture Rive Gauche Line
8 Viaduct d'Auteuil
9 Asnières Railway Bridge
10 Western Railway Company trunk line
11 Railway branch of the Gouin factory
12 Avenue de Clichy station
13 Épinettes connection
14 Avenue de Saint-Ouen station
15 Junction railway between the Docks of Saint-Ouen and the goods station of the Saint-Denis plain
16 Saint-Ouen Railway Bridge
17 Paris-North station
18 La Chapelle Saint-Denis station
19 Beis Hamedrash Adas Yereim
20 Synagogue de la rue de Montevideo
21 4th Arrondissement
22 9th Arrondissement
23 11th Arrondissement
24 19th Arrondissement
25 20th Arrondissement
26 13th Arrondissement
27 Canal de l'Ourcq
28 Canal St. Denis

MAP

D

1 South Side River Seine
2 West Side River Seine
3 Segment of North Side River Seine
4 Asnières Railway Bridge
5 Petite Ceinture Rive Droite
6 Northeast corner of Paris
7 Railway branch of the Gouin factory
8 Saint-Ouen Railway Bridge
9 La Plaine to Ermont - Eaubonne line
10 Western Railway Company trunk line
11 Paris North Station trunk line
12 Épinettes connection
13 Saint-Ouen tunnel
14 National Bridge
15 Petite Ceinture Rive Droite on the eastside of the city
16 Belleville tunnel
17 Charonne/Sorbier/Ménilmontant tunnels
18 Canal de l'Ourcq